THE SECOND PART OF SYMBOLEOGRAPHY,

Newly corrected and amended,
and verie much enlarged in
all the foure ſeuerall
Treatiſes.

1 Of Fines and Concords.
2 Of Common Recoueries.
3 Of Offences and Indictments.
4 Of Compromiſes and Arbitrements.

Whereunto is annexed another Treatiſe of Equitie, *the Iuriſdiction, and proceedings of the high Court of Chancerie*; of Supplications, Bills, and Anſwers; and of certaine Writs, and Commiſſions iſſuing thence, and there alſo returnable: Likewiſe much augmented with diuers *Preſidents for the ſame purpoſe, beginning at the* 144. Section, and continuing to the *end of Bills and Anſwers.*

With an addition of ſome neceſſarie Exemplars to be *vſed in his Maieſties Court of Exchequer, Wards and* Liueries, and Starre-Chamber, neuer Printed before.

Hereunto is alſo added a Table for the more eaſie and readie finding of the matters herein contayned.

Ingenij cibus ſtudium, ſtudijque diligentia.

LONDON,
Printed for the Companie of Stationers. 1618.

Cum Priuilegio.

THE
SECOND PART OF
SYMBOLOGRAPHY

Newly corrected and amended,

Rec. March 4, 1903.

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Stationers. 1615.

Viro Iuriſprudentię & pietatis laude illuſtriſsimo EDVVARDO COKE

Armigero, ſereniſſimæ Reginæ Maieſtatis Procuratori ſummo W. WEST veram exoptat fœlicitatem.

QVum iyſ fere omnibus, qui lucubrationes ſuas de aliquo diſciplinæ genere in publicum proferunt, in more poſitum eſſe videatur (vir illuſtriſſime) vt in Epiſtolis ſuis nuncupatoriis duo potiſſimum ſequantur: vnum, vt illum ipſum, cuius patrocinio nitì ſtatuunt, dignis laudibus efferant; alterum, vt operas ipſas gratæ encomio afficiant: erunt fortaſſe nonnulli, qui id ſibi à me faciendum arbitrabuntur; a quibus tamen eo longe diuerſam ſentio. Vtrumque enim vt velim, maxime certe non poſſum: Nam ad hoc ingenioli mei tenuitas, ab illo, pudor quidem ingenitus me remoratur. Et vero, ſi in laudes tuas excurrerem longius, vereor, vt & ipſe hoc tum paterere, Et ego, tum corporis, tum animi dotium, quas natura aſſatim in te quaſi effudiſſe videtur, multitudine obruar, neque, quid præ cæteris dicendum, neque quomodo finis faciendus ſit, facile reperire poſſem: ſiue de eximia iuris noſtri ſcientia, ſiue de ſingulari pietate tua dixero, quasi in te (vir ornatiſſime) eas etiam omnium integras, tam matures nobis exhibuiſti, vt ad quæuis res præclaras gerendas, non factus ſed natus eſſe videaris. Quarum voluntate ſuffragijs ad præclara munera iamdudum euectus, abſque, etiam grandæui, prælatus ſis. Sed quicquid ipſe de te dixero, dilutius illud ſum tenuius minuſque ſplendide, quam dicis debuiſſet, & rei dignitas poſtularet. Itaque malui ſilere, ac ſingulares animi corporiſque tui dotes ſuſpicere, quam nihil dicendo, infantiam meam prodere. De opella autem mea gloriofius dicere nihil attinet. Illius enim argumentum eiuſmodi eſt, vt nullius adeo commendatione magnopere egere videatur, quippe quod de iyſ rebus tractat, quæ ad pacem & concordiam cum conſtituendam, tum reſtituendam, ſpectant maxime: ſiue enim tractatum primum de finibus: ſiue alterum illum de recuperationibus, quæ ducuntur. ſiue tertium de crimenibus & accuſationibus inde oriundis: ſiue poſtremum de compromiſſis & arbitriyſ, contempleris, nihil aliud

ut quam quietem & tranquillitatem homines sibi & suis spirare tibi mirum nia. Nam arbitria, lites eas que suscitant, leuiter componunt: fines & recpr rationes dominia & proprietates firmant: accusationes, nocentium peccata detegunt; vt nocentes ipsi vel sanentur, vel e medio tollantur, ne illorum virus proximos quosque vel conficiat vel inficiat. Et certe haud scio, an pace quicquam augustius ad veram singulorum felicitatem excogitari poterit, illa namque nobiscum commorante omnibus nobis ac commodis abundamus, atque ex animi sententia succedunt omnia. At si iustissima eius consuetudine priuemur, eaque a nobis exulet, statim bella, omnibus malis atque erumnis expositi, vitam longe miserimam ducimus. Modum autem, quo hac tractari, laudare, meum non est. Quod si enim is eius mos est, qui iuri, aliisque bonis & doctis viris placeat, satis per se ipsum commendatum erit: sin minus, vana rei non probandæ commendatio, ipsam laudabilioremnon efficiet. De animo autem meo, hoc tua pace libere effari libet, voluisse me prodesse quamplurimis, iis autem præcipue, qui prima iuris nostri tyrocinia exercent. Quod si mihi præstare possem, ista volui qualicunque methodo: cum profecto nulla mihi videatur dicendi ars alia nisi methodus, qua a prioribus naturæ, ad posteriora, quæ a notioribus, ad minus nota, quæ a generalibus, ad specialia, quæ a finibus, ad infinita, quæque ita demum ab instituto aliquo genere ad media, tum definiendo, tum dividendo, transit, donec tandem in exemplorum infinitate substitat, quam quidem disponendi rationem tibi (vir ornatissime) non ingratam fore confido, cum omnes tuæ disputationes, atque adeo dicta omnia, illam ipsam suauissime semper spirare videantur. Te igitur harum (Mortuæ etenim res genuina & laudatissima illa tua in rem literariam liberalesque omnes promouendi promptitudine, et veræ pacis amore singulari, acerrimoque tuo in debilla odio, si alia reipublicæ graviora negotia non impedient, hunc libellum cognoscere, suscipere, ac tueri velis; quo mihi animos ad hæc augenda & perpoliendæ & hijs maiora alacriter aggrediendo, addas. Te (vir iurisconsultissime) æterna pacis author, ad sui nominis gloriam, ecclesiæ consolandam, et reipublicæ tranquillitatem, quam diutissime seruet incolumem. Ex ædibus meis Furbellienſibus haud longe a Donastria burgo, in agro Eboracensi, postridie calendas Maias; Anno salutis per Christi solius sanguinem restitutæ. 1594.

Tibi deditissimus,

WILLIAM WEST.

SYMBOLEOGRAPHY,

Of Fines and Concords.

The definition of Fines.

A FOrasmuch as we haue alreadie in our first part of Symboleography shewed the formes of diuers Conditions and Couenants, aswell for the leuying of Fines of Lands and Tenements, as also to rayse and limit the vses thereof: It now seemeth necessary to shew how the Notes of Writs of Couenants and Concords for Fines, with other necessarie Circumstances concerning the same, are to be made. Wherefore let vs first learne what, and how worthie things Fines be. Sect. 1.

B Tremaile 21.E.4.fol.4. tearmeth Fines, Couenants made before Iustices, and entred of Record.

C Browne saith, Fines be fructus, exitus, & finis effectus Legis, Plow. fol. 357.

D Glanuil in his eight Booke and first Chapter tearmeth a Fine Amicabilis compositio, & finalis concordia ex consensu & licentia dñi Regis, vel eius Iusticiariorum. And Bracton tractatu quinto, Lib. 5. Cap. 28. Sect. 7. de Exceptionibus, saith, Finis ideo dicitur finalis concordia, quia imponit finem litibus, & est exceptio peremptoria.

E And Glanuil, Cap. 3. Lib. 9. saith, Talis concordia finalis dicitur, eo qđ finem imponit negotio, adeo vt neutra pars litigantium ab eo de cætero poterit recedere.

F In which Bookes may be seene the ancient forme of leuying Fines, and their great antiquitie: for they be as ancient as any Court of Record, Plowd. fol. 357.a. 368.b. which without question were long before the Conquest.

G So that Fines hauing their commencement of Record long before the Conquest, euer since haue remained in great estimation, as appeareth by a Fine leuied before the Conquest, touching the possession of the Abbey of Crowland, and diuers other ancient Fines leuied before that time, yet extant, Plowd. 357.a. 368.b.

H But chiefely we are to consider their effects: which be, to make certaintie and assurance to the parties concerning their estates in Lands and Tenements, and to end contention, and breed peace and securitie to all men.

As appeareth by the Statute de Finibus 27. Ed. 1. St. 1. c. 1. wherein be these words, Quia fines in Curia nostra leuati finem litibus imponere debent, & imponunt: Ideo fines vocantur maxime cum post Duellum & magnam Assisam in suo casu vltimum locum finalem teneant imperpetuum: with which Statute agreeth Bracton tractatu 5. Lib. 5. c. 28. Sect. 7. de Exceptionibus.

And therefore by the ancient Lawe, Fine and Nonclaime by the space of a yeare and a day was a peremtorie bar to all men, which was abrogated by the Statute made 34. E. 3. c. 16.

And at this day Fines be of great force, puissance and worthinesse: for being leuied and ingrossed with proclamations, according to the Statute of 4. H. 7. c. 24 1. R. 3. c 7. 32. H. 8. c. 36. & 31. Eliz. Reg. c. 2. They are finall ends, and sufficiently conclude, bar and discharge for euer as well parties and privies as estrangers to the same, except women couert (other then beene parties to the fines) and euerie other person at the time of the leuying of the same fine being within the age of xxj. yeares, or in prison, or out of the Realme, or of vnsound mind, and not parties to such fines: Sauing vnto estrangers to such fines such right, title, claime and interest, as they haue to the tenements therein contained at the time of the ingrossing thereof: so that they pursue the same by action, or lawfull entrie within fiue yeres nert after proclamations thereupon made according to the said Statutes: And sauing to all other persons such action, right, title, claime and interest, in or to the tenements in such fines mentioned, as first shall grow, remain, descend or come to them after the said fine engrossed and proclamations made, by force of any cause or matter had or made before the said fine leuied: so that they pursue their action, right, or title within fiue yeares nert after that it is to them accrued.

20. Ass. p. 1.
26. Ass. p. 37
Dyer fol. 179
Plow. fol. 146.

By which authorities we gather that fines are nothing else, but Instruments of Record of agreements concerning lands, tenements, or hereditaments, duely made by the Kings consent & licence, and knowledged by the parties to the same vpon a Writ of Couenant, a Writ of Right, a Writ of Customes and Seruices, Warrantia Chartæ thereof, or such like, before the Iustices of the Common Place, or others thereunto authorised and ingrossed of Record in the same Court, to end all controuersies thereof both betweene themselues which be parties and privies to the same, and all estrangers not suing or claiming in due time.

These Fines destroy estates taile (other then such as be made by the King, the reuersion being in the King, 32. H. 8. c. 36. And other then fines of lands restrained from alienation by Act of Parliament, 32. H. 8. c. 36. Or leuied by an Intrudor of lands seised into the Kings hands as by an heire which holdeth in Capite before Liuerie sued, 1. H. 7. c. 5.

For

For by the Prerogatiue c.13. by his entry ne gaineth no freehold.) And in time become perpetuall bars against all men, end strife, make peace, breede securitie and tranquilitie, which is the verie fruit, effect and end of all godly Lawes.

Of the parties to fines.

IN euerie fine two things are principally to be regarded, the persons and the action. Sect. 2

Persons cheifely regarded in fines be the parties to the fines, and the Iudges.

Parties to the fines be the Cognisor and the Cognisee, which are the efficient causes thereof.

The Cognisor is he which doth knowledge the fine.

The Cognisee is he to whom the fine is leuied.

In the parties three things are specially to be regarded: Their Capacities, Names and Estates.

Touching ỳ Capacitie of ỳ Cognisor, it is to be considered whether he be a person able to leuie a fine or namely whether he be void of al such impediments natural & ciuill as may hinder him in doing thereof.

What persons may be Cognisors, and what not,

ALl persons, male and female, may be Cognizors, but such as are prohibited that to doe by nature or law. Sect. 3

By nature through defect of the mind or of the bodie, but no longer then such defect endureth.

This defect of the mind is either naturall or casuall.

Of Infancie.

DEfects of the mind by nature, as by age, which is of Infants, that is, persons vnder the age of xxi. yeares, as by Ideocy, which ought not to be Cognizors, because the Law intendeth they want vnderstanding and discretion what to do in this behalfe: Yet if a fine be leuied by an Infant, it cannot be reuersed but by himselfe by Writ of Error during his infancie, that the Court may see him, and thereby iudge his age, 50.E.3.5. 17.E.3.52. & 78. Sect. 4

Impediments of the minde casuall, are such as affect furious madde men, Lunatikes, Ideots, men hauing the Lethargie, whereunto may (as it seemeth) be added doting old persons wanting discretion, men drunken, who ought not to be Cognizors, for their fines are not reuersable, because the fine it selfe argueth their habilities: for the Law intendeth, that Iudges will receiue no Cognizances of such persons, 17.E.3.5. & 78. 17.Ass.17.

Defects of the bodie.

Sect. 5 Defects of the bodie, be such infirmities thereof by which the prin- A
cipall sences necessarie for vnderstanding and to declare their con-
sents are wanting: Of which sort be such as are blind, deafe or dumb,
naturally.

But persons blind, deafe, or dumbe, accidentally may make cogni- B
sance if they can expresse their meaning by writing.

Impediments legall or ciuill.

Sect. 6. Legall impediments be when such persons be prohibited by Law as A
by nature are able to leuie fines.

And they are either by reason of subiection or ioint power. B

Of legall subiection.

Sect. 7. Subiection legall is when persons be vnder the rule of others, as a A
feme couert to her husband, 2. H. 5. 9. E. 3. 28. A villein to his Lord.
33 E. 3. Persons ciuilly dead, as Friers, Nunnes, Monkes, Chanons
professed, and other like superstitious votaries, who are in subiection
to their Soueraignes, 14. H. 8. 16. 2 R. 2. 5.

Of couerture.

Sect. 8. And therefore a feme couert within age ought not to leuie a fine, A
for that she cannot reuerse it during the couerture, nor after if the
couerture continue till she be of full age: 50. E. 3. 5. 27. Ass. pla. 53.

And a feme couert ought not to leuie a fine but with her right hus- B
band, 7. H. 4. 23. 42. E. 3. 20.

But a fine leuied by a feme couert without her husband of her owne C
landes wherein she hath fee simple, is an estoppell against her and her
heires, if her husband auoid it not by entrie, or otherwise, as he may
during his wiues life, and after her death during his owne life, as if he
be tenant by the Curtesie, 17. E. 3. 52. & 78. 17. Ass. 17. 7. H. 4. 23.
But if liuing her first husband she take a second husband, and with him
and by his name knowledge a fine, this fine shall not bind her, because
she is misnamed, 7. H. 4. 22. & 23. Yet if she with her right husband
by a wrong Christian name leuie a fine, she is estopped during her life,
1. Ass. pla. 11. Brooke Fines 17.

A feme couert must beware how she with her husband doe leuie a D
fine of her Iointure, least she thereby lose her dower, Trin. 19. Eliz.
Dyer fol. 359. pla. 49.

Neither ought the husband without his wife to leuie any fine of her E
lands, for she and her heires may auoid it after his death, 32. H. 8. c. 28.
12. E. 4. 12. 42. E. 3. 20.

Villeines.

Villeines.

AND Villeines by knowledging such fines should prejudice their Lords, thereby bereaming them of the lands alienes, for such fines be good. Sect. 9.

Persons dead in Law.

AND fines levied by persons ciuilly dead, are vtterly void. Sect. 10.

Imprisonment.

AND if men compelled by threatnings or imprisonment should bee admitted to levie fines, they should therby be barred, because the lawe intendeth such persons are at liberty when they acknowledge fines, 17.E.3.52.78.17.Ass.17. Sect. 11

Of persons having ioint power.

PErsons prohibited to be Cognizors by reason of ioint power, are they that haue ioint power & authority with others, as the single members of euery Corporation or Societie, As a Bishop without his Deane and Chapter, A Deane without his Capter, an Abbot or Prior without his Couent, A Parson, Vicar, Prebendary, or Chauntry priest without their Ordinary, A Mayor without his Cominaltie, Masters of Colledges without their fellowes, and of other Societies incorporate, may not leuy fines, Pl.375.b.11.El.f.538.a.20.El.21.E.4.13.11.H.4.68.12.H.4.11.& 12.38.E.3.33. Sect. 12.

Maior

Of the estates of Cognizors.

ALbeit euery fine be good to bind the parties, yet for the validity of the fine it is conuenient, that either the cognizor or the cognisee be seised of the lands alienated, 41.*E.*3.14.22.*H.*6.13. Sect. 13.

For the fine is void if neither of the parties be seised at the leuying thereof, 41.E.3.14.33.H.6.18.3.H.6.27.27.H.8.4.& 20.37.H.6.34.13.Ass.p.8.3.H.7.9.5.E.3.22.H.6.57.

Yet the vouchee after he hath entred into the warrantie, may leuy a fine vnto the demandant, though in facto neither of them is seised: For such vouchee is tenant in law and may confesse the Action, because of the priuitie between him and the demandant. But a fine by him so leuied to an estranger is void, 8.H.4.5.H.7.40.

Persons attainted or wained in personal actions, may alien by fine or otherwise, for their estates remaine in them still, though they therby forfeit the profits of their lands, 9.H.6.20.21.H.7.7.

And persons attainted of felony or treason may not be Cognizors, by reason that by their offences their estates be forfeited: But if they do, their fines be good against all persons, but the King & the Lord of whom the lands be holden for their times, 8.Ass.pl.25.for their estats

remaine in them during their lines.

Also tenant for life may levie a fine sur grant & releas of the lands which he holdeth for life, to hold to the cognisee for life of the tenant for life, and it is no forfeiture, 44. E. 3. 36. But if the estate were larger, or the fine sur cognizance de droit come ceo que &c. it were a forfeiture of his estate, 4. H. 7. fol.

The same law is of such fines by tenant in taile after possibilitie, tenant in dower, or by the curtesie, 39. E. 3. 16. But such fine of a rent seemeth to be no forfeiture, 2. H. 5. 7. Yet a particular tenant, as in dower, by curtesie, or for life, cannot by fine grant and surrender their estates to the owner of the reuersion or remainder, but may by fine grant and release the same, 17. E. 3. 62. 24. E. 3. 26. 20. E. 3. & 14. E. 3.

A tenant in common or Iointenant may levie a fine of his part, 26. H. 8. 9.

So may a Copartner of his part, Dyer 334. pl. 30. Pas. 16. Eliz.

A fine levied by the heire who is an Intruder upon the kings possession is void per le Prerog. Cap. 13. 1. H. 7. 5. 24. E. 3. 65. But if such fine be levied without intrusion, it bindeth the cognisor and his heirs, 3. H. 7. 5.

If a disseisor levie a fine with proclamation, and the disseisee within fiue yeares after do not enter or claime, he and his heires be barred for euer, Pl. fol. 353. El. inter Stowell & Zouch.

Also fines may be levied by the tenant in taile generall, or speciall, And by tenant in fee simple, And by tenant in remainder or reuersion.

¶ Hauing thus passed the capacities and estates of Cognizors, let vs haue consideration how they may be named.

How Cognizors are to be named.

Sect. 14. TOuching the names whereby parties to fines ought to be named, for so much as names be to no other end inserted into fines and other writings, then that it may be certainly knowen, who be the parties thereunto, it is requisite that they be certainely named by their right names of baptisme and surnames, whether the same be King, Prince, Duke, Marquesse, Earle, Vicont, Baron, Lord, or Knight, which be names of dignitie, (some of which are sometimes named without their surnames, as Georg. Comes Salop without his surname, Iohēs Dux Lancastr',) or he be an Esquire or Gentleman, which be names of worship, nobilitie, and honor, 14. H. 6. 15. 22. E. 4. 8. 4.

Whose additions neuertheless of curtesie are commonly vsed in fines, as Io. Byron Miles, D. D. armig. L. L. genet. or if he be a yeoman, husbandman, artificer, labourer, or any Ecclesiastical person:

as

as Archbishop, Bishop, Archdeacon, Deane, Parson, Vicar, Clerke, &c. Or any Corporation, or bodie Ciuill, Politike, or Corporat, hauing couent or common Seale: as Bailife and Burgeffes, Maior and Comminaltie, or any other Fraternitie or Brotherhood, 11.H.4.44. 12.H.4.20.14.H.4.21.7.H.6.27.

And albeit it be not necellarie alwaies in fines to giue the parties their proper additions of place, dignitie, eſtate, degree, miſterie or occupation: Yet if there be two or more in one Parish of one name and ſurname, it ſeemeth requiſit for diſtinction ſake, to giue them ſome additions &c. as I. D. Senior or Iunior &c. As if a man haue two ſonnes of one name, or the father and his ſonne be of one name, the father ſhall not carie the addition of Senior, but the ſonne of Iunior, and not the elder brother but the yonger, 37.H.6.29.47.E.3.16.

What perſons may be Cogniſees in fines, and ſecondly by what names they muſt de named.

ALl ſuch perſons as may be grantées or take contracts, may be cogniſees, as perſons of full age, infants, femes couert, mad men, lunatike, ideots, men impriſoned, men without the Realme, and all Corporations & ciuill bodies, men attainted of felonie or treaſon, men outlawed in perſonall actions, baſtards, clerkes conuict, villeins, aliens &c. Sect. 15.

And if a fine be leuied to a feme couert, ſhe needeth not to be examined, becauſe ſhe taketh by the fine: and if ſhe had any better eſtate before the fine, the fine ſhall not conclude her to claime it, 3.H.6.42.41. E.3.7.50.E.3.9.24.E.3.62.

Neither ſhall an infant being cogniſée be examined, 24 E.3.62. becauſe the fine is for his benefite. Tenant for life may be Cogniſée in a fine, by which the cogniſor doth confeſſe all his right, which he hath in the lands, to be the right of the tenant for life, and releaſe and quite claime to him and his heires, and not commit any forfeiture, for thereby his former eſtate is not changed, and it may inure to him in reuerſion or remainder, 1.H.7.fol.5.

And an Abbot, Deane and Chapter, Maior and Comminaltie, and ſuch like Corporations, may be Cogniſees in fines: but before the ingrolling of the fine to ſuch a Corporation, a Writ ought to be directed to the Iuſtices of the Common Place, qd pmittant finem illum leuari, 5.H.7.25.19.H.6.15. A Maior may be Cogniſée, 22.E.4.15.E.4.22.

But perſons ciuilly dead, as Monkes, Chanons and Friers, cannot be cogniſees, becauſe they be vnder the rule of others, and want ciuill capacitie, 5.H.7.25.19.H.6.25.

2 Cogniſees in fines muſt be named by their right proper names

and surnames: for a fine being leuied to A. and Sibill his wife (where her Christin name was Isabell) was holden void, 1. Ass. pl. 11. See the Section how the Cognisors are to be named, and that will satisfie you for the naming of Cognisees.

Before what persons fines may be knowledged.

Sect. 16. HAuing thus perused the capacities, estates and names of cognisors and cognisees, it is time to enquire of the Iudges, before whom this businesse may be handled: Touching which it is to be noted that of these, some are Iudges onely at the time of the cognisances and certificat thereof.

And others at the time of the concord.

And Iudges of the cognisances, are such persons as haue power to take such cognisance, either by vertue of their offices, or by some commission generall or speciall, granted vnto them by his Maiestie out of the high Court of Chancerie.

All or two of the Iustices of the Common Place may in open Court take knowledge of fines, and record them by vertue of their offices, 15. E. 2. c.

And the chiefe Iustice of the Common Place, by the priuiledge and prerogatiue of his place and office, may take cognisance of fines in any place out of the Court, and certifie the same, without Writ of Dedimus potestatem, Dyer fol. 224. pl. 31.

And it seemeth by the Statute 15. E. 2. That if the parties be not able to trauell, two of the Iustices of the Common Bench, with the consent of the rest, or one of them, with a Knight, may goe vnto the parties, and receiue and certifie their Cognisances into the said Court, without any Dedimus potestatem to enable them thereunto. But this course is long sithence discontinued.

And it seemeth, that Iustices of Assises by the generall words of their Patents may take and certifie Cognisances of Fines, without any speciall Dedimus potestatem, for the words be in effect as followeth, that is to say: Necnon ad recipiend' omnes fines, concordias, & recognitiones in circuitu suo, coniunct' & diuisim, recognit' pro illa vice in circuitu illo, non obstante aliquo actu, statuto, siue ordinatione in contrarium, &c.

Yet such Iustices vse not now to certifie them, without a speciall Writ of Dedimus potestatem, sued forth of the Chancery, directed vnto them, and giuing them thereby power to take & certifie such Cognisances as they haue alreadie taken, Dyer fol. 224. pl. 51. 5. Eliz. 1. H. 79. And Fines haue bin leuied before Iustices Errants, Lib. Intrac' titulo Scire fac' in Ayde 2.

Of

Of a Dedimus potestatem de Fine leuando.

A Speciall Commission for a fine is a Writ of Dedimus potestat directed to some persons to take the Cognisances of the cognisors which is granted out of the Chancerie, when cognisors of fines by reason of infirmitie, or other reasonable cause, cannot come to the Court there to make cognisance thereof. This Dedimus potestat must containe the substance of the writ of Couenant, and recite that it is therof depending betweene the parties bearing Teste after the writ of Couenant: which Writ of Dedimus potestat ought to be directed to men of good credite & conscience, & expert in the Lawes, who must certifie the same with the Cognisances to the Justices of the Common Pleas, as shall be shewed hereafter. And euerie such Dedimus potestat to a special Commission must be signed by the L. Chancellor, or L. Keeper, and L. chiefe Justice of the Common Pleas, or by some of the Justices of the Circuit where the land lyeth. Sect. 17.

But now many Writs of Dedimus potestat to take knowledge of fines be directed to men of meane degree & small knowledg, with whom sometimes for fashion sake in such commission be ioined Lords, Knights & other of good credite: but be seldom vsed in the execution therof. By meanes wherof oftentimes this busines is vnduly effected, and Recognisances of femes couert within age, and of other weomen neuer duly examined, and of infants, as also of mad men, lunatikes, idiots & men imprisoned, are sometimes certified, which would neuer be suffered, if such cognisors were for that purpose either brought into the Court, or before any of the Justices therof, or before any Serieant, or Knight, or man of good conscience & discretion, who would soone perceiue their imperfections, and therfore refuse to take their Cognisances in so weightie matters as fines be, which be the most binding barres in the Law. Great care & heed therof in my conceit is to be had, to whom such authority is committed, least it be so abused as is abouesaid. And writs of Error haue bin brought, because fines haue bin knowledged by Dedimus potestat before such as was neither Iudge, Abbot, knight nor Serieat at ꝑ law, and therfore such recognisances haue bin refused, Br. Fines 120.

A Justice or other person being cognisee in a fine, may not take cognisance therof himselfe: for if he so doe, the fine thereupon leuied is void, 8. H. 6. 21.

And when any cognisance of fines is taken, it seemeth conuenient, that the persons before whom they be knowledged, do signe the note of the cognisance as it is commonly vsed for the credite therof, Dyer fol. 320. p. 19. H. 15 Eliz.

And now by a late order, all fines taken by Dedimus potestatem by him

him that is not Iustice of Assise in the Circuit where the land lieth, must be signed by a Iustice of that Circuit, Dyer fol. 220. pla. 15. The forme of the Dedimus potestatem appeareth amongst the minutes of Conceards.

Iudges, to whom Cognusances are to be certified, and before whom they are to be Recorded.

Sect. 18. IVdges for the recording of fines be the Iustices of the Common Pleas onely, 15. E. 2. ca. And therefore as it is said, all Cognisances thereof must be certified thither, for in that Court only all fines are to be leuied, notwithstanding 36. H. 6. 34.

And by speciall grant a fine may be leuied in a base court, 44. Ed. 3. 38

But fines leuied in ancient demesne by any custom seeme void, 44. Ed. 3. 38. And so in other inferior Courts, 50. Ass. pla. 9.

Also by a Statute of 2. E. 6. c. 8. fines may be leuied in the Countie Palantine of Chester.

And by 37. H. 8. c. 19. fines may be leuied of lands in the Countie Palantine of Lancaster.

And by the Statute of 5. Eliz. c. 27. fines may be leuied within the Countie Palantine of Duresme.

¶ Hauing thus run ouer the discourse of the persons vsed in fines, order requireth that we should now set vpon the verie actions of fines themselues.

Of the diuision of fines.

Sect. 19. EVerie fine therefore is either without proclamations or with proclamations.

Fines diuided.

A fine without Proclamation.

At this day a fine without proclamation, which is also termed a fine at the Common Law, is such a fine as is leuied after such manner and forme as they were vsually leuied before, 4. H. 7. c. 24. vpon which no proclamations were made, which fines doe still remaine of such force, as they were at the Common Law, to discontinue the estate of the Cognisor, if they be executed, 7. Ed. 3. fol. 35. 1. R. 3. c. 7. Dyer fol. 216. p. 54. 4. Eliz. Pl. fol. 265. b. 4. H. 7. c. 24.

Discontinuance

A fine with Proclamation;

A fine with proclamations (the same is also termed a fine according to the Statute) is a fine leuied with proclamation after the forme and maner ordeined by the Statute made 4. H. 7. c. 24. 1. R. 3. c. 7. Mar. c. 7. 32. H. 8. c. 36. 31. El. c. 2. Plo. fol. 365. b.

Of fines executed, and executorie.

Sect. 20. ANd euerie fine, as well with proclamation as without, is either executed or executorie.

A

A fine executed.

A fine executed is such a fine, as of his own force giueth a present possession (at the least in law) vnto the Cognisee, so that he needeth no writ of Habere facias seisinam for the execution of the same fine; but may enter, of which sort is a fine sur cognisance de droit come ceo que il ad de son done, which is in very deed the surest fine of all, 8.H.4.8. 41.E.3.14.42.E.3.5.46.E.3.15.50.E.3.9.13.Ass.p.8. Co. de Finibꝰ p.4.

Fines executorie be such, as of their owne force doe not execute the possession in the cognisees, as fines sur cognisance de droit tamꝫ. fines for done, grant, release, confirmation, or render: for if such fines be not leuied, or such tender made vnto the that be in possession at the time of the fines leuied, the cognisees must needs sue writs of Habere facias seisinam, according to their seuerall cases, for the obtaining of their possessions. Nevertheles, if at the leuying of such executory fines, the parties, vnto whom the estate is limited, be in possession of the lands passed, he needeth no writ of execution for the same, for then such fines do inure by way of extinguishment of right, but alter not the estate nor possession of the cognisee, but perchance better it, 7.H.7.12 and 22. 2.E.3.6, 21.E.3.44.8.H.4.8.41.E.3.14.7.H.4.13. A fine executorie. Co. de Finibꝰ p.7. 8. Extinguishment.

Againe, some fines are single, and some double.

A single fine is such a fine by which nothing is granted, or rendred backe againe by the Cognisees, or any of them, to the cognisors, or any of them, 8.H.4.8.24.E.3.26. Sect. 21 A single fine. Co. de Finibꝰ p.8.

A double fine is a fine containing a grant and render back again either of some rent, common, or other thing out of the land, or of the land it selfe, to all or some of the Cognisors, or some estate limitting thereby many times remainders to estranges, which be not named in the writ of Covenant, 8.H.4.8.24.E.3.26. and 35. A double fine.

Of the parts of Fines, and of the writ of Covenant.

In the forme of euery fine wee are to consider the principall parts thereof, and their Adiuncts, both proper in euery part, and common to all. The principall parts of fines be the writ or action whereupon the concord is made, and the concord it selfe. Sect. 22. Part of fines.

Of writs whereupon fines are leuied.

The writ is the very basis, ground & foundation of the fine, whereby the parties haue day in court to leuy the same, & containeth the parties and things to be passed certainly, And it is most commonly a writ of Couenant, 28.H.8.Br.Fines 116. Or a Warrantia charte 18. E.4.22. Or a writ of Right, Or a writ of Meine, 26.Ass.pla.37. Or a writ of Customes and seruices, 26.Ass.pl.37. Dy.fol.179.pl.46. Sect. 23.

whereof

Wherof Fines be grounded.

Sect. 24 In euery such wrist the essentiall parts & the adiuncts are to be considered: the principall parts thereof be the parties to the same, whereof we haue spoken already, And the things whereof a fine is leuied.

Of what things Fines may be leuied.

Sect. 25. And touching the things whereof fines are leuiable, wee are first to consider the nature of the things themselues, whether they will passe in fines or no: And then of their names, by which they may passe or not: And how they may be in order placed in the writs. Fines therefore may be leuied of all things inheritable being in esse tempore finis, and certainly expressed in the writs, 18. E. 4. 22. as de messuagio, toſto, columbario, gardino, terra, prato, pastura, bosco, subbosco, bruera, mora, luncaria, mariſco, alneto, ruscaria, reddit', *per Registrum fol.* 24. de Rectoria Ecclesiæ parochialis de M. ac de decimis granorum, garbarū, & foeni eidem Rectoriæ spectant &c. or cum omnibus decimis granorum, garbarum, & foeni eidem Rectoriæ spectant, *Thel. Lib.* 8. cap. 9. Sect. 2. de Rectoria 2. E. 3. de furlongo terr' 4. Hen. 6. 14. de passagio vltra aquam de T. de pastura ad certos boues, oues, & alia aueria, ac de communia pro omnibus animalibus, vel pro omnimodis auerijs vel de libera piscaria, libera warrenna, vel de Aduocatione Ecclesiæ de D. vel de aliquo seruitio speciali, vt de seruitio vnius feodi Militis, vnius paris Calcarium deauratorum, vel de seruitio inueniendi hominem, equitem vel peditem ad rundum, vel ad equitandum cum le Cognisæ in exercitu Walliæ vel Scotiæ, &c. de Piscaria 13. E. 3. de officio 27. H. 8. fol. 12. de profectis officij 12. E. 3. de Aduocatione *Regist. fol.* 165. de Curtesia 18. H. 6. fol. 20. 4. E. 4. 6. de chiminio 2. E. 3. fol. 49. de proficuo molendini 18. E. 3. fol. 56. de libero reddit' in breui, and in the concord, Quod prædictus A. recogn' predict' reddit' cum pertinentijs simul cum homagio & fidelitate B. C. & heredū suorum de totis tenementis quæ &c. 1. E. 3. fol. 1. et 5. de frankfold, 1. E. 3. fo. 1. de Nundinis & Mercatis 1. E. 3. fol. 4. de franchisia 1. E. 3. fol. 4. de Minera plumbi, & cuiuscunque generis metalli cum pertinentijs &c. *Reg. fol.* 165. de decimis garbarum ad Ecclesiam de N. qualitercunque spectant *Reg. fo.* 165. de Aduocatione tertiæ partis Ecclesiæ, &c. or, de tertia parte Aduocationis Ecclesiæ, or de medietate aduocationis Ecclesiæ, or, de Aduocatione medietatis Ecclesiæ, 49. E. 3. 11. 33. H. 6. fol. 11. de Communia 4. Ed. 6. de caruca terræ, de pastura ad certa boues, de homagio, de feod Militis *Reg. fol.* 168. 167.

And a fine may be of a rent charge, which had no being before, 21. E. 3. 44.

Or of a chiefe rent or other rent in being, 18. E. 4. 22.

Or,

Sect. Fitzh. Fines, 67.

D Or, of a Seignioꝛie, 48.E.3.25.

E Or, of an acquitaile, 50.E.3.23.

F Or, of a Chauntrie, 37.E.3.33.

G And of manie other things may fines be leuied.

H And as fines may be leuied of things in poſſeſſion, ſo may they be leuied of a Remainder, or Reuerſion. 42.E.3.7.44.E.3.45.

I And a Reuerſion or a Remainder will paſſe by the name of the lands. 43.E.3.22. 2 fo. 7. b.

K But where a fine is of a reuerſion or a remainder, it behoueth the cogniſee to ſue a Quid iuris clamat againſt the tenant: When it is of rent, a Writ Quem redditum reddit: And where of a Seignioꝛie or ſeruices, Per quæ ſeruicia, to compell the tenant to attourne, as ſhall be ſhewed hereafter. Of a reuerſion or remainder.

L Fines may be leuied of the inheritance or frée hold of parſonages, vicarages, poꝛtions, pentions, tithes, oblations, or any other Eccleſiaſticall profite, made Temporall, and admitted to abide in Temporall hands, and lay vſes, by the Laws and Statuts of this Realme of England, 32.H.8.c.7. Of Eccleſiaſticall lands made Temporall.

M And to conclude, fines be leuiable of all things, whereof a Precipe quod reddat lyeth, as will appeare by the examples following.

N And lands bought of diuers perſons may paſſe in one fine, and then the Writ of Couenant muſt be brought by all the vendées againſt all the vendoꝛs: And euerie vendoꝛ muſt warrant againſt him and his heires onely: foꝛ it is abſurd that one man ſhould warrant the ſale of an other without conſideration. Of diuers purchaſes.

O And ſuch ioynt fines séeme reaſonable, eſpecially where the ſeuerall purchaſes be of ſo ſmall value as the charges of a fine would exceed the value of ſome of them.

P But fines may not be leuied of things incertaine: as de tenemento, 3.E.4.19. 11.H.7.25. 12.H.7.6. 47.E.3. Incertainie. Tenement. Fitzh. Fines, 67.

Q Noꝛ of landes giuen in taile by the King, foꝛ it is void againſt the iſſue in taile and the King, 32.H.8.c.36. Br. Fines 121. Taile by the King.

R Noꝛ of landes reſtrained from being ſold by Act of Parliament, 32.H.8.c.36. Reſtraint.

S Noꝛ of lands of the huſband or of his anceſtoꝛs aſſured foꝛ Ioynture dower or in taile, to any woman by meanes of her huſband or his anceſtoꝛs, foꝛ ſuch a fine woꝛketh a preſent foꝛfeiture of her eſtate, if ſhe grant a greater eſtate then foꝛ her life, 11.H.7.c.20. Plow. fol.459. Dower. Ioynture. Forfeiture.

T Noꝛ of landes ſeiſed into the Kings hands beſoꝛe Liuerie or Ouſter le maine ſued, 24.E.3.65. Lands ſeiſed.

V Noꝛ of lands in Ancient demeſne: foꝛ if any fine be leuied of ſuch lands, it may be reuerſed by a Writ of Diſceit, brought by the Lord of Ancient demeſne.

Ancient demeſne, & thereby he ſhalbe reſtored to his Seigniory, & it ſeemeth to be void betwæn the parties, quia, coram non Iudice, 7.H.4.44. 8.H.4.23. 21.E.3.20. Reg. fol.13.b. *de Fine adnullando, &c.*

Yet it is holden good to bind the parties, 17.E.3.31. and 7.H.4. Br. Fines 101. which ſeemeth not to be law.

Anciēt demeſne & lay fee.

But if ſuch fines be of lands in Ancient demeſne, and of lands at the Common Law, it ſhall be ſtill good for the lands at the Common Law, 7.H.4.44. 21.E.3.20.

By what names things may paſſe in Fines.

Sect.26 Names.

NOw that we haue partly ſet downe what may paſſe in fines, let vs ſee by what names the ſame may paſſe. An Honor, this may pas by the name of a Mano^r, or by his proper name: as de honore de Tickhill, or de manerio de Tickhill.

A Manor.

It ſuffiſeth alſo to demand a Manor by his proper name without namino of the Towne wherein it lyeth. For it may be out of any Towne, or extend into ſeuerall Townes and Counties: as de manerio de D. cum ptiñ, yet it ſeemeth beſt to expreſſe all the ſeuerall Townes into which it extendeth: as de manerio de S. cum pretiñ in D. & E. 19. Ed.4.fol.9.a.43.E.3.fol.9.a. Bracton Lib.4.c.31. Sect.3.9.E.4.fol.61.9.a. 16.a.17.b.11.H.7.fol.22.b.49. For if any of the Townes, into which the Mano^r extendeth, be omitted, nothing of the Mano^r in that Towne paſſeth, 5.E.4.103.

A Caſtell or Hundred. Manor. Caſtell.

A Caſtell or a Hundred, may be parcell of a Mano^r, and paſſe by the name of the Mano^r, whereof they be parcell, 26.Aſſ.54. And one Mano^r may be parcell of another, 2.E.3.fol.36. And a Caſtell may be demanded by his proper name: as de caſtello de B. cum ptiñ, 1.E.3.fol.4.

Hundred.

An Hundred may be demanded by it ſelfe: as de hundredo de S. 27. H.6.fol.2.

A Meſuage.

Meſuagium is a dwelling houſe. By the name of a Meſuage, may paſſe a Curtelage, a Gardein, an Orchard, a Douehouſe, a Shop, a Mill as parcell of an houſe, Bracton. Lib.5.c.28. Sect.1. Plowd.fol.169.170. 171. The like of a cottage, a toft, a chamber, a celler &c. yet may they be demanded by their ſingle names.

A Chappell. A Hoſpitall.

A Chappell or an Hoſpitall muſt be demaunded by the name of a Meſuage, 13.Aſſ.2.

A Toft.

A Toft is the place wherein a Meſuage hath ſtood.

A Curtelage.

A Curtelage is a garden, or a yard, or fold, or a peece of a void ground lying nere and belonging to a Meſnage, Plowd.

A Mill.

Molendinum is good without adding ventriticum, or aquaticum: albeit the later be more vſuall, 44.E.3.fol.13.

A Reuerſion.

Of a Reuerſion, by the name of the Land, or otherwiſe, 43.E.3.22.

Land

Br. tit. fines 35, 69. 76. 18. 2. Laund. 382.

Land is to be demaunded by the certaine measure of the superficiall quantie thereof: hida, carucata, bouata, virgata, acra, roda terræ. Land.

In like maner boscus, subboscus, bruera, mora, iuncaria, mariscus, & alnetum, et ruscaria, may be demaunded by the number of acres thereof 36. Ass. 9.

Turbarie may be demanded by the name of More.

Rent by the multitude and number of the things which are to bee rendered: as, x. lib̃, or sex denar̃, or vno obular̃, or quinque solidat̃ reddit̃. Rent.

Housebote, Haybote, & Plowbote, may be demaunded by the name of Estouers: thus, de rationabili estouerio in boscis, viz. in decem acris bosci ipsius A. in D. &c. Estouers.

Parsonages, Rectories, Aduowsons, Vicarages, or Tyths impropriate, passe not by the names de Aduocatione Ecclesiæ, but de Rectoria Ecclesiæ de S. cum pertiñ. A Parsonage.

But when it is but of a Presentation, it must be de Aduocatione Ecclesiæ de S. and not cum pertiñ. A Presentatiõ.

And of all Vicarages endowed, the writ must be de Aduocatione Vicariæ Ecclesiæ de S. and not cum pertiñ. A Vicarage.

And where no Vicarage is endowed, it passeth vnder these words, de Aduocatione Ecclesiæ de S. &c.

If an entier manor, messuage, or other entier thing, bee diuided or parted, & after a fine is to be leuied of some of the parts of the thing so seuered, thẽ must not the fine be de medietate, or quarta parte, or other part, of the manor, messuage, or other thing, but such part must be demanded by ỹ name of a whole thing. As, if ỹ manor of D. be diuided into 2. parts, the fine of thone part (if the diuision be so made, ỹ the manor of ỹ part be not extinct) must be de manerio de D. So if a messuage and xx. acres of land be parted into two parts, the fine of the one part must be de vno messuagio et decem acris terr̃ &c. and not de mẽdietate vnius messuagij, & xx acrarum terr̃: for the things new deuided from the rest, are now become whole things by themselues, though lesse in quantitie then the whole was before diuision thereof made. If a thing be twice named in a writ of Couenant, it hurteth not: as a Manor and an Hundred parcell of the same manor, 27. H. 8. 2. Parts seuered: Twise named.

If lands in diuerse Shires passe, there must be seuerall writs of Couenant thereof accordingly, and but one Concord, Dyer 227. pla. 44. 15. E. 4. 33. Diuers Shires

Of the names of the place wherein the lands doe lie.

And the place wherein the lands do lie, is take̅ to be parcell of the name thereof: and therfore we must regard the places wherin the lands do lie, as the Shire, Town, Parish, or Hamlet: for a fine is good Sect. 27. Place.

in

Hamlet. Towne decaied. in a Hamlet, 38. E. 3. fol. 19. 8. E. 4. fo. 6. and 7. E. 6. Br. Fines 44. and 91. or in a Towne decaied, 7. E. 6. Br. Fines 91.

Neuertheleſſe, it is alſo good to name the Towne wherein the hamlet is, as it ſeemeth, and that with addition, for diſtinction, if there be diuers Townes of the ſame name in the ſame Countie. B

A Manor in diuers Townes And if a Manor extend into diuers Townes: as, A. B. C. it is good to expreſſe all, or none: as, de Manerio de S. in A. B. C. for if any of the Townes be omitted, none of the Manor in that Towne paſſeth. Yet a fine of a Manor cum pertinen would haue carried the whole Manor, 9. E. 4. 6. C

Two Manors of one name. But if a man haue diuers Manors of one name: as, South S. and North S. it is good, in a Writ of one of the ſame Manors, to expreſſe certainly which of them is intended to be paſſed, 47. E. 3. 11. H. 7. 6. Albeit it is thought good ynough by the name of the Manor of S. without addition: for certaintie is alwayes beſt. D

How ſeuerall things muſt be placed in Writs of Couenant.

Sect. 28. Orderly placing. NOw, that we haue partly learned, of what things Fines may be leuied, and by what names: it ſeemeth time to ſhew, in what order and forme they muſt be therein placed one before another, when diuers things paſſe by one writ, for which we may obſerue theſe rules. A

Worthieſt, Firſt, the more worthie things muſt be put before the things leſſe worthie: as a Meſuage is ſet before a Land, a Manor before a Meſuage, a Caſtle before a Manor, 7. H. 6. 39. Plow. 168. 169.

Things generall. Secondly, things generall before things ſpeciall: as Land (being the generall, or genus to meadow, paſture, wood, luncaria, mariſcus) is firſt to be placed: And wood (being the generall to wood grounds, as alnetum, ſalicetum, &c.) is to be ſet before them in the Writs. B

Whole things. Parts. Thirdly, entire or whole things are to be ſet before their parts: as, de Manerio de C. & medietate Manerij de B. cum pertinen &c. C

Things excepted. Fourthly, parts of things excepted, muſt ſucceed thoſe things out of which they be excepted. And if there be diuers parcels in one Writ, that parcell, out of which the exception is to be made, ought to be laſt placed, Regiſt. fol. 6. as, de Manerio de D. cum pertin in C. (excepto vno meſuagio, duabus acris terre, & aduocatione Eccleſiæ de C. &c.) D

Pertinentiæ. And euery thing excepted ought to be certainely named. It nadeth not to ſay cum pertin after the thing excepted, 40. E. 3. 25. E

And the exception muſt alwayes be of ſuch things, whereof the writ will lye, & be mentioned therein, Plow. fol. 361. a. 362. b. 370. a. Regiſt. fol. 228. 229. of which for the preſent, view the enſample enſuing: viz. F

Præcipe A. B. quod teneat C. D. conuenc' &c. de vno meſuagio, vno cotagio, et medietate vnius meſuagij, et decem acrarum G

terræ

terræ cum pertin, excepta vna acra terræ in N. &c.

And finally the forme and order of placing the particulars in a writ of Couenant, is in all things as in a Præcipe quod reddat of lands. Regula.

And further, obserue the rule of the Register fol. 2. which partly appeareth in these verses ensuing.

Regula.

ſuagium, tum, lendinum, umbare, dinũ, ra, tum, tura, cus, ra,
Meſ, toſ, mol, col, gar, ter, pra, paſ, boſ, brue, mora
ria, cus, tum, caria, ditus.
Innca, mariſ, alne, ruſ, red, ſectare priora.

The writ of Couenant must beare Teste before the writ of Dedimus potestatem, 35. H. 8. Br. Fine. 116. Writ.

Of Adiuncts proper to the Writs whereof Fines be leuied.

OF Adiuncts proper to writs of Couenant, and other writs vpon which fines be vsually leuied, some be internall Adiuncts, and some externall. Sect. 29.

Adiuncts internall, be the daies of returne, and the date or Teste of the writ, which be also common to other writs. Adiuncts internall.

In the Returne it is to be obserued, that there be 15. daies at the least betweene the Teste, and the day limited for the returne thereof, 12. E. 4. 11. Returne.

The Teste or date must not be vpon any Sunday, or other festiual day, which is not dies iuridicus in Court. Teste.

Externall Adiuncts to writs be, the writing, the Latine, the affidavit, or composition, the signing, and the payment of the fine, and returning, which be in like maner to other writs. Externall.

Touching the writing thereof, it is meet to be faire written without rasing or interlining of any principall matter therein, for such rasing or interlining will ouerthrow the writ in some cases, 45. E. 3. 18. Writing. Rasing. Interlining.

Also it behoueth that there bee no false Latine in any such Writs, 7. H. 6. 34. False Latine.

And therefore such writs should heedefully be examined twice or thrice ouer, for feare of errors. Examination of writs.

The forme vsed in the returning of such writs will appeare amongst the presidents, for the returnes are nothing else but the Shiriffes answeres touching that they are commanded to doe by the same writs. Returnes.

Vpon what writs fines may be leuied.

For so much as no fine can be leuied but vpon some originall writ, Stat. de Finibus, 18. Ed. 1, we are now to consider vpon what original Originals.

writs fines are leuiable.

Couenant. A writ of Couenant is the most vsuall writ whereupon fines are leuied, Fitz.Nat.bre.fo.146.f.35.H.8.Br.Fines 116.Carliel St.15.E.2.

VVarrantia cartę. Yet may fines be leuied vpon a Writ of Warrãtia cartæ, 18.E.4.22. Carliel. St.15.E.2.

Meſne. Or vpon a Writ of Meſne, 18.E.4 2.

Cuſtomes and ſeruices. Or vpon a Writ de Conſuetudinibus & Seruitijs, 22.Aſſ.p.37.Pal. 14.El.Dyer fol.179.pla.46.

Right. Or vpon any Writs of Right, 7.E 3.fo.335.Plow.fo.358.

VVithout originall. Yet Tremayle Iuſtice holdeth, that if in a Præcipe quod reddat againſt the tenant for life, which maketh default after default, he in the reuerſion or remainder be receiued, a fine may be leuied of the land betweene the demandant and him in the reuerſion or remainder, Ideo Quære, 21.E.4.4.

Quod permittat. A fine may be vpon a Writ Quod permittat habere chiminum vltra terram le Cognizor, 2.E.3.19.Fitz Fines 102.

The ſeuerall formes of Concords.

Sect. 30. A Concord is the very agreement betweene the parties how the lands ſhall paſſe, in the forme whereof many things are to be regarded: As if it be ſingle, whether it be ſur cognizance de droit come ceo que il ad de ſon done, Or, ſur graunt, done, releas, or confirmation. Or if it be a double fine with a render, what eſtates are to be created thereby, and of the reſeruation of Rents nomine pœnæ, and clauſe of diſtreſſe and ſeruices, with the clauſe of warrantie. For which it is to be noted, that when a fine is leuied to diuers Cogniſees, the right ſhal be limited to one of them onely, and the ſtate limited to his heires onely whoſe right it is knowledged to be, 3.H.6.42. 21.E.3.33. 34.E. 3.11. 24.E.3.64. as thus

Et eſt concordia talis, ſcilicet quod predictus A. cogn' tenẽt p̃dict' cum pertin̄ eſſe ius ipſius B. vt ill', quæ ijdem B.& C.hẽnt de dono pred' A. Et ill' remiſit & quiet clam̃ de ſe & heredibus ſuis p̃fatis B. & C. & heredibus ipſius B. &c.

But the Kings tenant in Capite may knowledge the right of his lands to bee in diuers for the Kings benefit, in hauing many ſuch tenants in capite 7.H.7.4.

And likewiſe the releaſe and warranty muſt bee from the heires of one of the Cognizers, 44.E.3.21.fo. in a fine from diuers, the ſæ muſt be ſuppoſed to be in one of them onely, 21.E.3.33.

In a fine ſur graunt & render, none can take the firſt eſtate vpon the render, but ſome of the Cognizors, but reuerſions or remainders any eſtranger may take: For if A. knowledge a fine to B. and B. render to the ſaid A. Habendum ſibi & E. vxori eius, and the heires of their bo-

dies,

dies &c. by this fine E. must haue none estate, because she is not named in the writ, 24.E.3.27.30. H.8.Br. Fines 108.7.E.3.63.

And a man cannot by fine by way of remainder reserue a lesse estate to himselfe then fée: And therefore if A. knowledge a fine to B. in fée, and he render to A. in taile, the remainder to himselfe in life, this remainder is void, for A. had fée simple before, 24.E.3.28. 14.H.4.31.

And a Concord cannot be of any other thing then is contained in the writ of Couenant, and not of a forrein thing, if it be not consequent: As in a writ of land, rent, common, &c. may be rendred issuing out of it, 18.E.4.22.

And a Concord may be with an exception of some part, 44.E.3.21.

If a man will, he may make a Iointure by fine thus: If I. leuie a fine to A. in fée sur cognizance de droit come ceo &c. and after A. render to I. for life without impeachment of waste, the remainder to B. his wife for terme of her life, the remainder to I. and his heires, 38.H.8. Br. Fines 108.

The manors and tenements contained in the writ may be diuided: As if a fine be leuied betwéen R. & M. of two manors, which M. knowledgeth all his right of the said two manors to be the right of the said R. as that which &c. for which R. granteth and rendreth the one manor to M. for life, with two parts of the other manor, which M. holdeth in dower, To haue the one manor, and two parts of the other manor, to M. for life, the remainder after her death to R. in taile, & that after the death of A. the third part shal remain to another, 43.E.3.11. 45.E.3.12.

And in like maner a fine is leuied of the manor of G. cum pertinen by A. vnto C. which A. knowledgeth the right in C. as that &c. and C. granteth and rendreth the same to A. in taile, The remainder of the fourth part of the manor towards the West to the said A. & her heires, the remainder of another fourth part towards the East to I. in fée, the remainder of another fourth part towards the South to one R. in fée, and of the other fourth part towards the North to W. and his heires, it is good, 44.Ass.p. 11. Or incertainely by three third parts to A. B. and C. in remainder seuerally, 18.H.7.Br. Fines 111.

A fine leuied to one in taile vpon condition with remainder is holden to be good, 27.H.8.24. Plowd. 34.b.24.E.3.62. Contra p Prisot, 33.H.6.52. and 44.E.3.22. But a fine with a reentrie was reiected, 44.E.3.22.

A lease for yéres may be made by a fine in this forme: The lessée must knowledge the tenements to be the right of the lessor, as that &c. and then the lessor must grant the lands back againe to the lessée for so many yéres as are agréed vpon, reseruing a rent with a clause of distresse: But this fine will not binde the issue in taile, because he taketh

by the fine but giueth nothing thereby, Br. Fines 106. tempore H.8.36. H.8. Br. Fines 118. Plow. 455. 14. Eliz.

Or, a lease for yeares may be made by fines to binde the tenant in taile, thus: The tenant in taile and the lessee to knowledge the tenements to be the right of an estranger, as that &c. and the Cognizee to grant and render the tenements to the lessee for certaine yeares yelding a rent with a clause of distresse, and then grant the reuersion to the tenant in taile, 36. H.8. Br. Fines 118.

If an estranger, which hath nothing in the lands, leuie a fine to him in the remainder in taile dependant sur estate pur vie, sur cognizance de droit come ceo que il ad de son done &c. and the Cognisee by the same fine render to the Cognizor for yeares, de commencer al Mich. ensuant, and dieth, and all the proclamations are made after his death, The tenant for life after such time as the said lease is limitted to begin dieth, it is adiudged a good lease to barre the issue in taile for the terme, 14 Eliz. Plowd. 437. b. inter Smyth & Stapleton, which seemeth contrarie to the opinion before, Br. Fines 106. 118.

A. by fine granteth his tenements, which I. holdeth for life, & which after his decease &c. to W. for life, rendring rent &c. with a distresse, sauing the Reuersion, 44. E. 3. 45.

Fine sur cognizance de droit come ceo &c. is tenied to A. in fee rendring rent, this reseruation is void, because the fine is executed, for no reseruation can be but of a fine executorie, as surrender, 50. E. 3. 9. 24. E. 3. 26. 29. E. 3. 1.

And if diuers ioyne in a fine, the warrantie must be by the, and the heires of one of them which is the owner of the land, 44. E. 3. 1. 21. E. 3. 27. 42. E. 3. 13. 24. E. 3. 66. Conk. sur terres de Gauelkind, ibm.

See Coke on the St. of Fines

A particular tenant, as for life &c. cannot surrender his terme to him in the reuersion or remainder by fine: But he may grant and release it to him by fine, 44. E. 3. 36.

One Concord may be of lands in seuerall Counties, and the fine pro licenc' concord' of all extracted entirely: Yet must there be seuerall writs of Couenant, returnable all at one day, 6. Eliz. Dyer fo. 227 pl. 43. 15. E. 4. 33.

And finally in Concord, all the speciall names of things contained in the writ, whereupon the fine is leuied, are not to be rehearsed, But onely the generall words therein mentioned: as manor, tenements, rents, aduowson, common, &c.

As where the writ is de vno messuagio, vno gardino, vno pomario, decem acr' terræ, v. acr' prati, x. acr' pasturæ, iiij acr' bosci, & communia pastur' cum pertin' in C. &c.

The Concord hath, Recogn' tenta & cogn' prædictam cum pertinentijs

tinentijs esse ius &c. But the examples following will more plainely expresse this, and all the differing formes of Contracts here before mentioned.

A writ of Couenant of 3. messuages, and of common pasture.

PRæcipe &c. de tribus messuag' &c. cum ptiñ in D. & T. & de communia pastur' p omninib⁹ & omnimodis averijs, ac de past', p 400 ouib⁹ cum ptiñ in D. in parochia de C. Et nisi &c. Sect. 31.

Of one messuage, one curtilage, one garden, of a rent, and of sheepewalke.

PRecipe &c. de vno messuag', vno curtilagio, vno gardino &c. ac 5. li. reddit cum pertiñ in F. Necnon de libert' vnius faldagij & cursu ouium cum pertinentijs in F. Et nisi &c. Sect. 32.

Of Wood, and Foldage.

PRecipe &c. de cent' acris bosc' cum pertiñ in N. ac de libertate faldagij pro 40. ouibus cum pertiñ in S. Et nisi &c. Sect. 33.

Of Wood.

PRecipe &c. de &c. et quatuor virgat' bosc' &c. in parochijs de B. & L. &c. Sect. 34.

Of 2. parts in 3. parts diuided of 8. acres of land, of pasture, acres of reed, and fresh and marish land.

PRecipe &c. de duab⁹ partibus in tres partes diuidend' 8. act' terr', 40. act' past' 40. act'. arundinarum, 10. act' marisci frisci, & marisci salsi cum pertinentijs in D. &c. Et nisi &c. Sect. 35

Of a Parsonage impropriate, and of the moitie of the tithes

PRecipe &c. de Rector' impropriat' de H. cum ptiñ ac de medietate omnium decimarum, granor', bladorũ, garbar', & fœni de terr' vocat' le Blands cum pertiñ in H. perd' &c. Et nisi &c. Sect. 36

Of a Manor, of rent, and of free folding for sheepe.

PRecipe &c. de manet' de &c. & decem solid' redd', ac de libero faldagio ouiũ cũ ptiñ in R. & de Hundred' de L. Et nisi &c. Sect. 37.

A Writ of Couenant by one of the Kings Secretaries of the 3. part of 4. messuages, 4. cottages, one mille, gardens, orchards, lands, medowe, pasture, moore, turbarie, and rent, the 3. part of the view of franke pledge, of goods, and cattels waiued, felons, fugitiues put in exigent, felons de se, deodands, treasure found, extrahur, and of the third part of a Parsonage.

PRacipe W. S. militi dño M. quod ten̄. R. C. militi, principal' Secretar' dom̄ Regis conuenc' &c. de tertia parte 4. messuag', 4. cotag', vnius molendiñ, 10. gardiñ, 10. pomar', 200. act' terræ, 200. act' prat', 200 acris pastur', 30. acræ moræ, 30. act' turbar', & 5. s. redd' cum pertiñ Sect. 38.

in A. B. C. D. ac de tertia parte Vſ. franci pleg', bonor & catallor wauiat, felon, fugitivorum, vtlagat, an exigen poſitorum, fel' de ſe, deodand, theſaur inuenk, ac extrahur cum pertinenk in M. &c. Necnon de tertia parte Rector eccleſiæ de K. cum pertin'. Et niſi &c.

A Writ of Couenant of Tithes.

Sect. 38. *Leic' ff.* PRæcipe T. N. Milit, qd ten T. P. cõuenc' &c. de ꝓficuis granor, fœni, lanę, & agnor, ac de omnimod' alijs decimis cum pertinentijs in M. Et niſi &c.

A Writ of couenant, of the Scite of a Monaſterie, of Meſſuages, of common, of paſture for all manner of beaſts, of rent, and rent of hennes, and rent worke.

Sect. 39. *Derb. ff.* PRæcipe A. B. qd ten C. D. conuenc' de ſcitu Monaſt. de B. cum pertin, ac de 20. meſſuag' &c. ac de comñ paſtur ꝓ omnib' animal, ac de 100. s. reddit, ac de redditu C. galinar, & C. opet cum pertin' in E. & F. Et niſi &c.

¶ Et eſt concordia talis, ſcz. qd prędict' A. B. recognouit pred ſitum tenk, communiam paſtur, & redd cum ptinentijs eſſe ius ipſius C. vt ill' &c. (cum relax' & warrank &c.)

A Writ of Couenant againſt the Father and the Sonne and heire apparant, of cottages, toftes, barnes, watermils, of one windmill, douehouſes, gardens, orchards, land, meadow, paſture, wood, mariſh, furres, heath, moore, rent, halfe a pound pepper, of mine of coale, and the aduowſon of a Church.

Sect. 40. *Linc' ff.* PRæcipe F. M. armig', &c. & T. M. filio & heredi apparet eiuſdem F. quod ten F. F. & N. R. genk conuenc &c. de manet de T. S. & H. iuxta N. ſuper Trentam, Ac de 40 meſſ. 20. cotag', 40. toſt', 30 horreis, 2. molend aquatic', vno molend ventritico, 3. columbar', 40. gardiñ, 40. pomar, mille acr terræ, mille acris prati, mille acris paſturæ, 500. acr boſci, 100. mariſ. 100. iampn' & bruer, 100. acr alneti, 100. acr iuncar, 500. acr moræ, 4. libr reddit & red dimid vnius libræ piperis cum ptin' in & S. Necnon de Aduoc ac' Eccleſiæ de T. & H. Et niſi &c.

A writ of Couenant of Diſmes and Tithes.

Sect. 41. *Notting. ff.* PRecipe D. E. quod &c. teneat R. Y. armig', conuenc' &c. de decimis garbarum, granorũ, & ſœni cũ ptiñ in R. & W. Ac de decima ſœni in V. Necnon de decimis lani, agnor, oblationũ, obuentionum, & emolumentorũ, &

& de omnibus alijs decimis quibuſcunque, venient, creſcent, & renouan' in W. pred'. Et niſi &c.

A writ of Couenant againſt the husband and the wife of a Parſonage, and of the aduowſon of a Vicarage, and of meſſuages, cottages, barnes, and gardens.

PRæc' T.B.& A. vxori eius quod ten' C. W. armig' conuenc' &c. de Rectoria de L. ac de aduoc' vicar' de L. ac de decem meſſuag', x. cot', x. hort', x. gard' &c. cum pertin' in L. pd. Et niſi &c. Sect. 42.

Præc' &c. q̄ iuſte &c. de x meſ. &c. in W. Necnon de Rectoria eccleſ. de G. et de decim' granor', fœni, lanæ, agnor', et omnium aliar' decimarum quarumcunq; in G. pred'. Ac etiam de aduoc' Vicar' eccleſiæ de G. pred' cum pertinentijs. Et niſi &c.

A fine knowledged by one to two perſons, of ſixe meſſuages, with warrantie againſt him and his heires.

Surr. ſſ. PRæcipe W.W. q̄ iuſte &c. ten' I.L. & A.P. con' &c. de ſex meſſuag' &c. cum pertin' in C.W. & E. &c. Et niſi &c. Sect. 43.

¶ Et eſt concordia talis, ſc. q̄ pred' W. recogn' pred' tenementa cum ptin' eſſe ius ipſius I. vt illa quæ idem I. & A. habent de dono pred' W. Et ill' remiſit et quiet' clam' de ſe & hered' ſuis pred' I. & A. & hered' ſuis imperpetuum. Et pr̄eterea idem W. conceſſit p̄ ſe et heredibus ſuis, quod ipſe warrant' pred' I. & A. & hered' ipſius I. pred' tenementa cum pertin' contra predict' W. & hered' ſuos imperpetuum. Et p̄ hac &c.

A fine by the husband and wife to two, of meſſuages, toftes, lands, medowes, paſtures and rents, with warrantie againſt the Conuſor and his heires.

Surr. ſſ. PRæcipe I.T. & A. vxori eius, q̄ iuſte &c. ten' W.R. & R.D. conuenc' &c. de quatuor meſſuag', quatuor toftis, xl. ac' terræ, xx. acris prati, t. & ac' paſtur', & quinque ſolid' & iij. denar' reddit' cum pertin' in S. Et niſi &c. Sect. 44.

Et eſt concordia talis, ſcilicet, quod pred'ct' I. & A. recogn' prædictum tenementum cum pertinentijs eſſe ius ipſius W. vt illa quæ idem W. & R. habent de dono prædictorum I. & A. Et ill' remiſer' et quiet' clamauer' de ipſis I. et A. et heredibus ipſius I. pr̄fat' W. et R. et heredibus ipſius W. imperpetuum. Et pr̄eterea ijdem I. & A. conceſſerunt p̄ ſe et heredibus ipſius I. quod ipſi warrantizabunt prædicta W. et R. et hered' ipſius W. pred' tenementum cum pertin' contra predict' I. et A. et heredes ipſi' I. imper-

imperpetuum. Et pro hac recogn̄, remissione, quiet clamat, warrant, fine, & concord̄, ijdem W. & R. dederūt p̄d̄ I. & A. ducentas & quadragint libr̄ sterlingorum.

A fine by two, and the wife of one of them, of land, meadow, pasture, and of Wood, with warrantie against the Conusor and his heires.

Sect. 45 *Linc. ff.* PRecipe R. B. gen̄, & T. R. & M. vxor. eius quod ten̄ T. B. gen̄ conuenc' &c. de triginta act̄ terr̄æ, duabus act̄ prat. tribus act̄ pasturæ & sex acris bosc', cum pertinentijs in C. Et nisi &c.

¶ Et est concordia talis, scz. quod p̄d̄ R. T. & M. recognouerunt tenementa p̄d̄ cum pertin̄ esse ius ipsius T. B. vt illa quæ idem T. habet de dono præd' R. T. & M. Et illi remiserunt & quiet clamauer̄ de ipsis R. T. & M. & hered̄ ipsius R. pret. T. B. & hered̄ suis imperpetuum. Et preterea ijdem R. T. & M. concesser̄ pro se & hered̄ ipsius R. quod ipsi warran̄ tanta pred̄ cum pertin̄ prefat̄ T. B. & hered' suis contra p̄d̄ R. T. & M. & hered̄ ipsius R. imperpetuum. Et p̄ hac &c.

A fine by one and his wife, to one, of the reuersion of the 3. part of 7. messuages, of gardens landes, meadow, pasture, and wood after the death of one, with warrantie against the Conusor and his heires.

Sect. 46 *Surr. ff.* PRecipe T. W. & K. vxori eius, quod iuste &c. teneant G. S. conuenc' inter eos fact' de 3. parte 8. messuag', 7. gardin, 40. ar' terr, 10. act̄ prat, 20. act̄ pasturæ, quinquaginta act̄ bosc' cum pertin̄ in A. B. C. & D.

¶ Et est concordia talis, scz. quod p̄d̄ T. & K recogn' tertiam partem p̄d̄ cum pertin̄ esse ius pred' G. et concess. qd̄ eadem tertia pars cum p̄tin̄, q̄ M. B. vid̄ tenet ad terminum vitæ suæ de hereditate ipsius K. die quo hæc concordia facta fuit, & quæ post mortem eiusdem M. ad ipsos T. & K. reuerti debuit, remanēt pret. G. et herd' suis imperpetuū. Tenend' &c. Preterea idem T. et K. concess. pro se & hered' ipsius K. qd̄ ipsi warrant̄ p̄d̄ G. et hered' suis tertiam partem p̄d̄ cum pertin̄ sicut pred' est contra se & hered' ipsius K. imperpetuum. Et pro hac &c.

A fine by a Lord Baron and his wife, to an Archbishop and one other, of three manors, messuages, tofts, capages, mailes, barnes, gardens, land, meadow, pasture, wood, furres, and heathes, of rent, of the aduowson of a Church, and of the view of frankepledge, with warrantie against them and their heires.

Sect. 47 *Midd. ff.* PRecipe Dñi Filii Dñi dilecti & fidelis vxori eius, quod iuste & sine dilatione teneant Reuerendo in Christo patri T. Y. permissione

permiſſione diuina Archiepiſcopo Eborſ Angliæ primati, & G. L. conuenc' inter eos fact' de manerijs de R. K. & M. cum pertiñ, ac de quinquaginꝯ meſſuagijs, quingentis toftis, ducentis cotagijs ſex molendꝯ, quingentis horreis, quingentis gardiñ, quinqꝫ mille acris terræ, ſmille acris præ, ſex mille acris paſturæ, mille acris boſci, decem mille acris iampnorum & bruer ac de quingent libꝛ reddiꝯ cum pertin. in R. C. A. alias S. T. V. W, & E. Ac de aduocatione Eccleſiæ de E. pred', Ac de viſu franci pleg' de R. C. & A. pred'. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod predict' I. L. Miles, dominus L. et I. vxor eius recogñ maneria, teñta, redditus, aduocationem, & viſ. franc' pleg' predict' cum pertineñ eſſe ius ipſius T. Y. Archiepiſcopi Eborſ, vt il' quæ idem T. Y. Archiepus & G. et L. habeant de dono pred' I. L. & I. vxor eius. Et ill' remiſer T. Y. Archiepo & G. L. et hered ipſi' T. Y. Archiepi imperpetuum. Et vlteriꝰ ijdem I. L. & I. vxor eiꝰ conceſſ. pro ſe & hered ipſius L. quod ipſi warrantizabunt manerꝯ, teñta reddiꝯ, aduocac', & viſ. franci pleg' pdꝯ cum ptiñ pred' T. Y. Archiepo Eborſ, & G. L. & hered' ipſius T. Y. Archiepiſcopi contra omnes homines imperpetuum. Et pro hac &c.

A fine by two to one, of manors, milles, houſes, rents, and common of paſture, with warrantie againſt the conuſors and the heires of them.

ET eſt concordia talis. ſcz. qꝺ pdꝯ A. & B. recogñ pdꝯ manerꝯ, molendiñ, columbar, teñ, comñ paſtur cum pertiñ eſſe ius ipſius C. vt ill, qꝺ ijdem C. & D. habent de dono ipſorũ A. & B. Et ill' remiſer & quiet clamꝫ de ſe et hered ipſius A. pred' C. & D. & hered ipſius C. imperpetuum. Et preterea idem A. conceſſit ꝓ ſe & hered' ſuis qd' ipſi warrant pdꝯ C. & D. et hered ipſius C. pdꝯ manerꝯ, molend', columbar, teñ, reddiꝯ, communiam paſtur, cum ptiñ contra ſe & hered' ſuos imperpetuum. Et vlterius idem B. conceſſit, ꝓ ſe et hered' ſuis &c. *(vt ſupra.)* Sect. 48.

A fine by one and his wife to one of one manor, of meſſuages, toſts, cottages, barnes, one water mill, a fulling mill, a winde mill, a doue houſe, gardens, orchards, land, meadow, paſture, woode, furres, heath, moore, freſh and ſalt mariſh, rent, free fiſhing, the aduowſon of a Church by turnes, with a generall warrantie.

Deuon. ff. PRecipe I. H. & V. vxori eius quod iuſte &c. ten' R. P. generoſ. conuention' &c. de manerio de B. cum pertiñ, ac de viginti meſſuagijs, duobus toftis, ſex cotagijs, 4. horreis, vno molend' aquatico, vno molendino ventritico, vno colum- Sect. 49

columbario, viginti gardinis, decem pomarijs, centum acr̃ terræ, centum acris prati, mille acris pastur̃, decem acris bosci, viginti acris saliceti, centum acr̃ iampnorum & brueræ, viginti acris moræ, viginti acris turbariæ, triginta acris mosset̃, sex acris iuncar̃, xx. acris mariſci friſci, & xx. acris mariſci ſalſi, duobus acris alneti, x. marcis reddit̃ cum pertin' in B. C. et D. Necnon de liberis piſcar̃ in aquis de O. C. & D. Ac de ſeperali piſcar̃ in aqua de S. Necnon de aduocatione eccleſiæ de B. alternis vicibus cum acciderit. Et niſi &c.

¶ Et eſt concordia talis, ſc. q̃ pred' I. et V. recogn̄ maneria & tenementa, reddit̃, et libet̃ piſcar̃ pred' cũ pertin̄ ac aduocationem prædictam eſſe ius ipſius R. vt illa quæ idem R. habuit de dono predictorum I. & V. Et illa remiſit & quiete clam̃ de ipſis I. & V. & hered' ipſius I. prædict' R. et hered' ſuis imperpetuum. Et preterea idem I. & V. conceſſerunt pro ſe et hered' ipſius I. quod ipſi warrant̃ predicto R. & hered̃ & aſſignatis ſuis pred' manet̃, tenementa, redd̃, et libet̃ piſcar̃ cum pertin', ac aduocac' pred' contra omnes homines imperpetuum. Et p̃ hac recognitione, remiſſione, quiet̃ clam̃, warrant̃, fine, & concordia, idem R. dedit predictis I. & V. xl. li.

A Fine by one de honore D. caſtro vicecomit' de S. cum hundred', inſula de D. baronia de D. hundredo de D. burgo de D. vno feod' milit' de D. Scit', ambit' & precinct' of a Monaſtery, a Manor, the ſcite of a Manor, a Grange, a Parke, a Prebend, one capitall Meſſuage, Moſſes, Toſts, Cottages, a Doue-houſe, a Fulling-mill, a Water-mill, a Winde-mill, and of diuers other things.

Sect. 50. HÆc eſt finalis &c. Anno regni &c. coram &c. Iuſtic' & alij domini Reg. fidelibus tunc ibidem præſentibus, inter I. A. quer̃ & M. B. deforc' de honore D. caſtro vicecomitat̃ de S. cum hundred̃ membris & pertin̄ ſuis, Inſula de D. Baronia de D. hundred̃ de D. Burgo de D. vno feod̃ milit̃ in D. Scit̃, Ambit̃, & Precinct' nuper Monaſterij de D. manerio de D. cum pertin̄, Scit̃ manerij de D. grangia de D. parco de D. prebend̃ de D. vno capitali meſſ. 2. meſſ. 2. toftis, 2. cottag', 1. columb. 1. molendino fullonico, 1. molend̃ aquatico, 1. molend̃ ventritico, 1. molend̃ granar̃, 1. molend̃ bladar̃, 1. horreo, 1. gard̃ in', 1. pomar̃, 10. acr̃ terr̃, 10. acr̃ prati, 20. acr̃ paſturæ, 4. acr̃ bosci, 40. acr̃ iampnor̃ & brueræ, 30. acr̃ moræ, 50. acr̃ mariſci ſalſi, 9. acr̃ mariſci friſci, 30. acr̃ turbar̃, 9. acr̃ iuncar̃, 6. acr̃ alneti, 6. acr̃ mosſeti, 4. acr̃ terr̃, aqua coopert̃, communia paſtur̃ pro omnibus vel omnimod̃ animalib', pro 100. ouibus, 10. equis, vaccis, porcis, ſpadonibus, &c. libera warran̄, libet̃

bet piſcat, libertate faldagij, libera falda, ciſio, ſalm, plumbat', aquæ ſal-
ſæ puteo, viginti libr, 10. marcat, decem ſolid, vno denario, vno obulo &
quadrant reddit.

* Ac reddit vnius paris Chirothecarum, vnius paris calcarium deaur-
at, ſagitte barbate, vni' par calceorum, vni' vomeris, 1. libre cere, 1. libr
piperis 1. libre cumini, 1. clui gariophili, 1 roſe rube, 1. acus & fili, 1.
quarterij frumenti, 1. quarter ordei, 2. bracei caponũ, 40 gallorũ, 20. gal-
linarum, mille ouorum, & aucarum cum pertin' in D.

Ac de comm paſturæ quam pd M. B. habet & habere ſolebat pro om-
nib' auerjis ſuis in centum acris paſturæ ipſius I. A. in D.

Ac de omnibus vel omnimodis oblationib', decimis granorum, gar-
barum, fœni, lanæ, lini, canabis. porcellorum, aucarum, agellorum, &c.
& alijs emolumentis quibuſcunque ſpectañ, pertineñ, creſcentibus ſiue
exiſten' cum pertinentijs in D.

Ac de theolonio, ſtallagio, picagio, pontagio, infra burgum de D.
quodam corrodio vnius panis, vni' lagenę ceruiſiæ pro omnib' hominibus in D.

Et de gurgite & curſu aquæ current a loco vocat H. infra & p terr vo-
cat K. ad molend vocat S.

Wera ſiue veda in D. Ac de vis. franc' pleg' libertat & francheſijs in D. Necnon de cuſtod ſiue officio cuſtod de B. cuſtod parci & fore-
ſte de D. Ac de officio Seneſchalciæ de D. Balliua ſiue officio balliuat de D.

Necnon de Nundinis de D. ſingulis annis ad feſta de N. M. ibidem tenend, Mercat de D. quiet ſiue libero paſſagio vltra aquam D. Rectoria de D. Aduocatione, preſentatione, donatione, libera diſpoſitione, & iure patronat Eccleſiæ de D. quadam portione decimarum aut pentionum in D.

Necnon de meditate manerij de D. cum pertiñ, & de terria parte teñt de C. in tribus partibus diuiſ Except & omnino reſeruat patronagio vna cum aduocatione Vicarię Eccleſiæ de D. & Capell' eidem Rectoriæ annex', ac omnibus decimis granorum, vis. franc' pleg', ac omnibus quæ ad vis. franc' pleg' pertiñ, wardis, margitagijs, eſchaet, cattall' felonum, wauiat, extrahur, feloñ, fugitiuorum, vtlagat, attinct' cum terr & tenement vtlagat & wauiat, quibuſcunque ferijs, mercat, wrecc' maris, ac tot & tantis iuribus, iuriſdict', priuilegijs, francheſ. & liberat teñt prædict', aut aliquot eorum concerneñ & eidem M. B. & hered ſuis vt de manerio de D. ſpectañ.

Vnde placitum conuentionis ſummonit fuit inter eos in eadem Curia, Scilicet, quod præd M. recognouit prædict' honorem, caſtrum, vicecomitatum, inſulam, baroniam, hundredum, burgum, feod milit, ſcitum, manerium, parcum, prebend', tenement, reddit, communiam paſturæ,

liberam

liberam warrennam, liberam piſcariam, libertat' ſalin, plumbarum, bullaſ puteum, rector, decimas, oblationes, theoloneum, ſtallagium, picagium, pontagium, corrop, gurgitem, vif. fran, pleg', libertates, franchef. cuſtod, officium ſeneſchall', balliuat, nundinas, mercatas, feriam, paſſagium, wreccum maris, medietatem & tertias partes cum pertin: Ac aduocationes, perſentationes, liberam diſpoſitionem, ius patron, portion, & pentionem pred eſſe ius ipſius I. Vt illa quæ idem I. habet de dono pred M. Et il' remiſ. & quiet clam de ſe & hæredib' ſuis pred I. & hæred' ſuis im. perpetuum.

Et præterea idem M. conceſſ. pro ſe & hæredibus ſuis, quod ipſe warrant pred I. & hered' ſuis pred honorem, caſtrum, vicecomitatum, inſulam, &c. (vt ſupra) contra ſe & hered' ſuos imperpetuum. Et p hac recognitione, fine &c.

A fine of a rent by an Earle and his wife.

Sect. 51. *Notting. ff.* PRæcipe I. Comiti H. & domine K. vxori eius Comitiſſæ H. quod iuſte & ſine delatione ten W. C. conuenc' &c. De quadraginta lib' annui reddit exeuntis de manerijs de E. &c. Et niſi &c.

¶ Et eſt concord talis, ſcilicet quod prædict' Comes & Comitiſſa recognouerunt reddit predict' cum pertinentijs eſſe ius ipſius W. vt illa quæ idem W. habet de dono pred Comitis & Comitiſſæ. Et ill' remiſer & quiet clamauer de ſe & hęredibus ſuis pręfat W. & hæredibus ſuis imperpetuum. Et preterea ijdem Comes & Comitiſſa concedunt pro ſe & hæredib' ipſi' Comitis, quod ipſi warrant redd præd' cum pertin' pref. W. & hered ſuis contra omnes homines imperpetuum. Et pro hac &c.

A fine of the third part of a rent by the husband and wife.

Sect. 52. *Suff. ff.* PRecipe R. & I. vxori eius quod teneant H. C. conuenc' &c. de tertia parte quinque lib' ſex ſolid & octo denar reddit cum pertinentijs exeun de manerijs de K. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod pred' R. & I. recognouer tertiam partem pred cum pertin eſſe ius ipſius H. vt ill' quam idem H. habeat de dono prædict' R. & I. Et ill' remiſer & quiet clamauer de ſe & heredib' ipſius I. pref. H. & hered ſuis imperpetuum. Et preterea idem R. & I. conceſſer pro ſe & hered ipſius I. quod ipſi warrant pref. H. & hered ſuis pred teſtiam partem cum pertin contra omnes homines imperpetuum. Et pro hac &c.

A fine

A Fine of a Parſonage excepting the aduowſon of the Vicarage of the ſame Parſonage.

PRæc' &c. Coñ &c. de Rectoria de T. cum pertiñ, except Aduocatione vicar eccleſiæ de T. Et niſi &c. Sect. 53.

Et eſt &c. quod p̄d A. recogñ Rectoriam pred' cum pertiñ, (except præexcept) eſſe ius &c. Et ill' remiſ. &c. (except p̄except.) Et p̄terea idem &c conceſſ. pro ſe &c. quod ipſe warrant p̄dict' &c. Rectoriam p̄dict' cum pertineñ (except p̄exceptꝰ) &c.

A writ of couenant brought by three againſt three of one manor, ten meſuages eight cottages, and of land, meadow, paſture, moore, and of rent.

Ebor. PRæc' C.B. & F. vxori eius quod teñ E. D. & R. coñ &c. de manerio de S. cum pertiñ, ac de x. meſuag', viij. cotag', CC. acr terræ, CC. acr prati, 160. acr paſturæ, 300. acr moræ, & vj.s. redd' cum pertinent in A. F. B. & C. Et niſi fecerint &c. Sect. 54.

A Concord with a Render for life to the husband and the wife being the conuſors of parcell of manors and lands contained in the writ of Couenant, the remainder to the firſt and ſecond begotten ſonne of the conuſors in taile, and to the heires males, and for default of ſuch iſſue, then to the conuſors in generall taile, and for default of ſuch iſſue then to the right heires of the conuſors for euer, with grant and render of ten meſuages, &c. reſidue of the ſame manor, &c. to the ſaid conuſors.

FT eſt concordia talis ſcilicet quod prædictus T. & F. recogñ manerꝫ, tenementa, & redd' præd' cum pertiñ eſſe ius ipſius E. vt ill' quę ijdem E. & R. habent de dono prædict' T. & F. Et illa remiſer & quier clam de ipſis T. & F. & hæred' ipſius F. præfat E. & R. & hæred' ipſius E. imperpetuum. Et p̄terea ijdem T. & F. conceſſer pro ſe & hæred' ipſius F. quod ipſi warrant manerium, tenemta, & redd' cum p̄tiñ p̄fat E. et R. et hæred' ipſius E. contra ipſos T. et F. hæred' ipſius F. imperpetuum. Et pro hac recogñ &c. ijdem F. et R. conceſſer præf. T. et F. manerꝫ de S. p̄d cum pertiñ ac x. meſuag' viij. cotag' xx. acr terr, xx. acr pra, 160. acr paſturę, 300. acr morę, 6. ſolid' reddit' cum pertiñ in A. et F. præd, parcellas manerꝫ, tenementorum, et redd' p̄d. Et ill' eis reddider in eadem curia. ✠ Habendum et tenendum prefat T. et F. pro termino vitæ ipſorum T. et F. & alterius eorum diutius viuent abſque impetitione alicuius vaſti. Et quod poſt deceſſum prædict' T. et F. & eorum alterius diutius viuent, prædict' parcell' manerꝫ, tentorum, & redd' præd' cum pertiñ remañ primogenito filio de corporibus præd T. & F. inter eos legitim procreat, & hered maſcul' de corpore prædicti primogenit filij & legitime procreat. Tenendum &c. ✠ Et ſi nullus hæres de corpore ipſius primogeniti filij fuer legitime procreat, prædict' parcell' manerꝫ,

manet, tentorum, & reddit pred cum pertin remanent secundo genito filio de corpore pred T. &. F. inter eos legitim procreat, & hered masculi de corpore dicti secundi geniti filij legitime procreat. Tenend &c. ✻ Et si nullus heres de corpore ipsius secūdi geniti filij fuer legitime procr, tunc predict' parcell' manet, tenementor, & redd pred cum pertinen remanent hered de corporibus pd T. & F. inter eos legitime procreat. Tenend &c. Et si nullus heres de corporibus ipsorum T. & F. inter eos fuerunt legitim procreatus, tunc pd parcell' manet, tentor, & redd pd cum pertin remanet inde rectis hered ipsorum T. & F. imperpetuum. Tenend &c. Et vlterius ijdem E. & R. concess pref. T. & F. decem messuag' &c. cum pertin' in B. & C. pred residuum pd manet tentor & redd predict'. Et ill' eis redd in eadem Cur.

Sect. 56. *A Fine of one acre of land, homage, rent, and seruices.*

Salop. PRæcipe E. T. armig. quod ten' N. P. con' de vna acr terr, & quindecim solid redd cum pertin' in G. & F. Et nisi &c.

Et est concordia talis, scz. quod pred E. T. recognouit pd acr terr cum pertinentijs esse ius ipsius N. vt ill' quam idem N, habeat de dono pred E. Et ill' remisit & quiet clam de se & heredibus suis perp. N. & heredibus suis imperpetuum. Et pd E. concessit, pf. N. pred' redd simul cum homagio et toto seruicio I. H. et heredum suorum de tot tentis quot pred' E. prius tenuit de F. pd. Habend', percipiend' & gaudend' pd redditi simul cum homagio et toto seruitio pd N. & hered' suis imperpetuum. Et pd E. & hered' sui warrant pd N. & hered' suis pred' acr terr & redd prædict' cum pertin' simul cum homagio & toto seruitio pd sic (vt dictum est) contra omnes homines imperpetuum. Et pro hac &c.

A Fine of a Mauor and sixe Knights fees, homages and seruices in the same Manor, by the husband and the wife, and others.

Sect. 57. INter H. W. & I. B. quer, & T. M. militem & T. filium eiusdem T. & E. vxorem eiusdem T. filij, & W, M. deforc', de manerio de T. cum pertin, vnde placitum conuentionis summon fuit inter eos in eadem curia, scilicet quod pred' T. T. E. & W. recogn predict' manerium cum pertinent esse ius ipsius H. vt illud quod iidem H. & I. habeant de dono pred' T. T. E. & W. vna cum septem feodis Militum in eodem manerio. Et concessit pred H. & I. pred' manerium & feod' cum pertinent simul cum homagijs & omnibus seruitijs M. W. & I. N. & heredum suor, de tot tenementis quot de pred' T. T. E. & W. prius tenuerunt in eodem manerio. Et ill' eis redd' in eadem curia. Habendum & tenend' ijsdē H. & I. & hered ipsius H. de capit dominis feodi illius p seruitia que ad pred' manerium & feoda pertinent imperpetuum. Et preterea iidem T. T. E. & W. conces-

ceſſerunt pro ſe & hered ipſius E. quod ipſi warr præd H.&I.& hered ipſius H. p̄dict' manerium & feoda cum pertinentijs ſicut prædict' eſt contra omnes homines imperpetuum. Et pro hac recognitione, conceſſione, warrant, fine & concordia, ijdem H. & I. dederunt prędict' T. T. E. & W. viginꝯ libr ſtrelingorum.

An old fine in Frankalmoigne of the aduowſon of a Church, knowledged to a Priour and his Church before Iuſtices in Eire, in Anno 55. of King Henry the third.

HEc eſt finalis concordia facta in Cur domini Regis apud Lincolñ in Octab. Sancti Mich. Anno regni Regis Henrici filij Regis Io. 55. coram R.A.G.P.W.W.W.H. & I.O. Iuſticiarijs itinerantibus & alijs domini Regis fidelibus tunc ibidem p̄ſentibus, inter I.D. petent, & Priorem de C. deforc', de Aduocac' Eccleſiæ de D. cum pertinentijs vnde placitum conuenc' ſumm̄ fuit inter eos in eadem Cur ſcz. qđ p̄d I. recognouit p̄d Aduocatioñ cum ptiñ eſſe ius ipſius Prioris & Eccleſiæ ſuæ Sanct' Mar de C. vt illã quam idem Prior & eccleſia ſua habent de dono W. filij W. anteceſſoris ipſius I. cuius hęres ipſe eſt: Habend & tenend eidem Priori & ſucceſſoribus ſuis & eccleſ. ſuę p̄d, de p̄dict' I. & heredibus ſuis in puram & perpetuam eleemoſinam, liberam & quiet ab omni ſeruitio ſeculari & executione imperpetuum. Et p̄d I. & hered ſui warrant, acquietabunt, & defend eidem Priori & ſucceſſ. ſuis & eccleſ. ſuæ predictam aduocationem cum pertiñ &c. Et p̄ hac &c. idem Prior remit predict' I. ſingulis beneficijs & orationibus quæ de cetero fient in eccleſia ſua p̄d imperpetuum. Sect. 58.

A Concord of one meſſuage, &c, in the county Palantine of Lancaſter.

Lancaſter HEe eſt finalis concordia fact' in Cur dom̄ Reg. apud L. die lune in quinta ſeptimana quadrageſimæ, anno regni Elizab. dei gratia Anglię, Franciæ, & Hyberñ Regiñ fidei defenſoris &c, triceſimo ſecundo, coram I. Clench tertio Baroñ Scaccar dom̄ Regiñ & F. R. vno ſeruientium dom̄ Reg. ad legem Iuſtic' dom̄ Reg. apud L. & alijs dict' dom̄ Reg. fidelibus tunc ibi p̄ſentibus inter H. T. & R.H. quer & W.C. gen' deforc', de vno meſuagio &c. cum pertiñ in T. vnde placitum conuentionis fuit inter eos in eadem curia, ſcz. quod predict' W. recognouit &c. Sect. 59.

A leaſe for yeares by fine, if one of the conſors liue ſo long, reſerving a rent.

Ebor. ff. PRæcipe F.T. & M. vxori eius, quod iuſte &c. ten' I.H. & K. vxori eius conuenc' &c. Sect. 60.

Et

Et eſt concordia &c. ſcz. qđ p̄dict' F. & M. conceſſ. p̄dict' I. & K. tenemenť prædict' cum pertiñ. Habenď & tenenď eidem I. & K. a feſto &c. qđ ei it in anno &c. complend, ſi prædict' M. tam diu vixerit. Reddenď inde ad feſta &c. p̄ equales porciones ſoluend, durante toto termino p̄d &c. Et ſi contingat &c. *Quere* whether this be a good leaſe at this day againſt iſſue in taile.

A leaſe for 3 yeares by fine of one meſſuage & free fiſhing, reſerving a rent with a clauſe of diſtreſſe, with a grant of the reuerſion of the ſaid meſſuage and free fiſhing vnto one of the conuſors in fee.

Sect. 16. *Eber. ff.* PRæcipe T. P. armig', & W. C. gen̄, quod iuſte &c. teñ I. W. & E. M. conuenc' &c. de vno meſſuag' &c. cum ptiñ in H. & B. ac de libera piſcaria in aqua de B. Et niſi &c.

Et eſt concordia talis, ſcz. quod prædict' T. & W. cognouer teñmenť & liberam piſcariam prædict' cum pertinentijs eſſe ius ipſius I. vt illa que idem I. & E. habent de dono prædict' T. & W. Et ill' remiſ. & quiet clam̄ de ſe & hered ſuis præfať I. & E. & hered ipſius I. imperpetuum. Et p̄terea ijdem T. & W. conceſſer proſe & hered ipſius T. qđ ipſi warranť teñť & liber' piſcaria p̄dict' cum pertiñ præf. I. & E. & hered ipſius I. contr̄ omnes homines imperpetuum. Et pro hac recognic', remiſſione, quiet clam̄, warranť, fine, & concordia, iidē I. & E. conceſſer præf. W. teñť & libr̄ piſcar prædict' cum pertinentijs. Et ill' ei reddider in eadem cur̄. Habenď & tenenď tenemenra & liberam piſcariam præd cum pertiñ præf. W. & aſſign̄ ſuis, a feſto ſancti Martini in hyeme vltimo præterito, vſque ad finem termini ſexaginta annor̄ extunc prox. ſequen̄ & plenarie complend. Reddenď inde annuatim præf. I. & E. & hered ipſius I. quendam annual' reddiť 3. li. 6. s. 8. d. legalis monetæ Angliæ, ad feſta ſancti Martini epiſcopi in hyeme & P. p̄ equales porciones duran̄ termino p̄dict' ſoluend. Et ſi contingat p̄dict' annual' reddiť 3. li. 6. s. 8. d. aretro fore in parte vel in toto poſt aliquod feſtum feſtorum prædictor̄ quando vt prefertur ſolui debeat non ſoluť p ſpacium viginti dier̄, quod tunc bene liceat & licebit præfať I. & E. & hered ipſius I. in tenemenť prædict' cum pertiñ intrare & diſtringere, diſtrictioneſque ſic ibidem capť & habitas licite aſportare, effugare, abducere, & p̄enes ſe retinere, quouſque de prædict' annual' reddiť 3. li. 6. s. 8. d. vna cum arreragijs eiuſdem ſi q̄ fuerint ſibi plenarie fuerit ſatisfact' & perſoluť. Conceſſer etiam prædict' I. & E. p̄fať T. tam reuerſionem tenementorum & libere piſcarie prædict' cum pertinentijs, quam præd reddiť 3. li. 6. s. 8. d. ſuperinde reſeruať. Et illa ei reddider in eadem cur̄. Habenď & tenenď tam reuerſionem tenementorum & libr̄ piſcar p̄d cum pertinenť, quā prædict' reddiť 3. li. 6. s. 8. d. ſuperinde reſeruať p̄fať T. & hered ſuis imperpetuum. Tenenď &c. *vt ſupra.*

A leaſe

A Leaſe for yeares by fine by one and his wife.

Ebor. ff. PRæcipe C. & A. vxori eius, quod iuſte &c. teñ W. S. & I. vxori eius, conuenc' &c. de &c. expreſſing the tenements, &c. Sect. 62.

¶ Et eſt concordia talis, ſcz. quod p̄d C. & A. recognouer teñ p̄d̄ cum pertinentijs eſſe ius ipſius W. vt illa quæ ijdem W. & I. habent de dono p̄d̄ C. & A. Et ill' remiſer & quiet clam de ſe & hæred ſuis p̄fat W. & I. & hæred ipſius W. imperpetuum. Et p̄terea &c. Et pro hac &c. p̄d̄ W. & I. conceſſer teñta p̄d̄ cum p̄tinentiis p̄fat C. & A. & ill' eis reddider in eadem cur. Habend' & tenend' tenement p̄d̄ cum pertineñ p̄fat C. & A. & aſsignatis ſuis, à feſto S. Mich. Archangeli vltim̃ p̄terito, vſque ad finem termini & p̄ termin xl. annor tunc p̄xim̃ ſequen & plenarie complend. Et p̄terea ijdem W. & I. & hæredes ipſius W. warrant teñ p̄dict cum p̄tinent p̄fatis C. & A. & aſsignatis ſuis, durant t̄mino p̄d̄ contra omnes homines. Et pro hac &c. *vt ſupra.*

A leaſe by fine made by Tenant for life for xxi yeares, if ſhe liue ſo long, reſerning a rent, with a clauſe of diſtreſſe, the reuerſion granted to the Conſors, and after the terme ended, then to one P. for xxi. yeares, reſerning a redde Roſe, and after the end of that terme, the remainder to E. and M. in fee.

Ebor. ff. PRæcipe I. P. genet & E. vxori eius, et R. L. armig', q̄d teñ I. M. conuenc' &c. Sect. 63.

¶ Et eſt concordia talis, ſcz. quod cum prædict' I. P. & E. habent & tenent ſibi pro termino vitæ ipſius E. prædict' tenement & piſcar cum pertinent, reuerſione inde poſt deceſſum ipſius E. W. T. & hæred ſuis ſpectant, ijdem I. P. & E. & R. conceſſer p̄fat I. M. p̄dict' tenement & piſcar cum pertinentijs: Habend & tenend eidem I. & aſsignatis ſuis tota vita ipſius E. ✻ Et p̄terea prædict' I. F. & E. & R. warrant p̄fat I. M. & aſsignat ſuis teñta & piſcar prædict' cum pertinent ſicut dictum eſt contra prædict' I. F. & E. tota vita ipſius E. Et pro hac conceſſ. warrant, fine, & concordia, idem I. M. conceſſit p̄fat R. tenement & piſcar prædict' cum pertinent & illa ei reddidit in eadem curia ✻ Habend & tenend teñ & piſcar prædict' cum pertinentijs eidem R. pro t̄mino 21. annorum proxim̃ ſequen & plenarie complend. ſi eadem E. tam diu vixerit. ✻ Reddend inde annuatim p̄fato I. M. & aſsignat ſuis 14. libr ad feſta &c. per equales portiones annuatim ſolvend tota vita ipſius E. ✻ Et ſi contingat &c. conceſsit etiam prædictus I. M. p̄fatis I. P. & E. reuerſionem tenementorum & piſcariæ p̄dict' cum pertinentijs, & redditū prædict' ſuperinde reſeruat, & ill' eis reddidit in eadem curia. ✻ Habend

& tenend eisdem I.F. et E. de capitalibus dominis feodi illius per seruitia quę ad prædict' tenement & piscar prædict' cum pertinentijs pertinent, tota vita ipsius E. * Et post terminum illum finitum, tenement prædict' cum pertinentijs integrè remanebunt P. & assignat suis pro termino 21. annorum post festum Sancti Martini in hyeme proxim futur immediate sequen & plenariè complend. * Reddend inde annuatim prætatis P. & E. & hæred ipsius P. toto termino prædict' vnam Rosam rubeam ad festum Sanct Iohan Bapt. annuatim soluend si petatur. * Et post terminum illum finitum, tenementa prædict' cum pertinentijs integre remanebunt præfat E. & M. & hæred ipsius E. imperpetuum, de capital' dominis feod ill', per seruitia quæ ad prędict' tenementum pertinent imperpetuum.

A Leaſe to the wife for xxi. yeares of two meſſuages, to commence after her husbands death reſerving a Rent, with a clauſe of diſtreſſe, the Coguſees graunt backe the ſame reuerſion and rent to the Conuſors in fee.

Sect. 54. *South ſſ.* PRæcipe C.C. armig' & D. vxori eius, et R.B. genet quod teneant H.M. & C.M. conuenc' &c. de duobus meſuag' cũ ptiñ in parua S. Et niſi &c.

¶ Et est concordia talis, scz q̃ prædict' C. et D. et R. recogñ tenta p̃d cum pertinentijs esse ius ipsius H. vt ill' &c. Et ill' remisit &c. Et præterea &c. Et pro hac &c. prędict H. & C. concessit præfat R. tenement p̃d cum ptinentijs, Et ill' ei reddidit in eadem cur. * Habend & tenend tenementa prædict' cum pertinentijs præfat R. tota vita ipsius R. & immediate post decessum ipsius R. tenebũt p̃d cum pertinentijs integre remanebunt M. vxori ipsius R. executoribus vel assign suis pro termino 21. annorum extunc proxim sequen & plenariè complend. ¶ Reddend inde annuatim præfat H. & C. & hęred ipsius H. quandam annuitatem siue annual' redditum v. libr legalis monetę Anglię, ad festa Sancti Martini Episcopi & Pent per æquales porciones annuatim durant eodem termino soluend, prima solutione inde incipiend ad p̃mũ festum festorũ prædictor post decessum p̃d R. * Et si contingat p̃d annuit siue annual' reddit quinque libr aretro fore &c. * Concesser etiam p̃d H. & C. p̃fat C.C. & D. tam reuersionem tenement cum pertinent, quam p̃d reddit v. libr superinde reseruat. Et ill' eis reddiderunt in eadem curia: Habendum, tenendum, & percipiendum, prædictam reuersionem tenementor prædictorum cum pertinentijs & redditum p̃dictum præfat C.C. & D. & hæredibus ipsius D. imperpetuum.

I.R. being tenant in generall taile in poſſeſſion the reuerſion in fee to C. and T. the ſame C. and T. by fine graunt the land to M. and E. and the ſaid M. and E. render the ſame againe to the ſaid T. Habendum *from a certaine feaſt next after the death of the ſaid I. without heire of his body, for the terme of 1500 yeares, reſeruing i.d. rent, and after the end of the terme to P.T. one of the ſonnes of the ſaid T. for euer.*

Ebor. ſſ. PRecipe &c. C.N. & T.T' quod teñ M.B. & E.D. conuenc' &c. de &c. Et niſi &c

¶ Et eſt &c q̄ cum I.R. habet & tenet ſibi & hered' de corpore ſuo legitime procreat teñ' prędict' cum pertinentijs remanent inde poſt deceſſum ipſius I. ſi idem I. obierit ſine herede de corpore ſuo legitime procreat pref. C. & hered ſuis ſpectāt, idē C & T. conceſſer tenementa p̄d' cum pertiñ pred' M & E. & hered M. imperpetuum. * Tenend &c. Et p̄d C, & hered' ſui warrant pref. M. & E. & hered ipſius M. tenement pred' cum pertinentijs ſicut p̄d eſt, contra omnes homines imperpetuum. Et p̄ hac conceſſione, redditiõ, warrant', fine & concord', idem M & E. conceſſer predict' T. teñ pred' cum pertiñ, & ill' ei redd' &c. * Habend' &c. eidem T. & aſſignā ſuis, a feſto S. Martini in hyeme p̄xim poſt deceſſum p̄d I. ſi idem I. obierit ſine herede de corpore ſuo legitime procreat vſq; finem termini & pro termino mille & quingent annorum ex tunc proxim ſequen & plenarie complēd abſque impetitione alicuius vaſti. * Reddend' inde annuatim pręfat M & E. & hered ipſius M. vnum denar ad feſtum &c. annuatim ſoluend' toto termino predict ſi petatur. Et poſt terminum illum finitum, predict' tenementa cum pertiñ integre remanent P.T. vni filiorum p̄dict' T. & hered' ipſius P. imperpetuum &c. *vt ſupra.* Sect. 65.

A Leaſe of a meſſuage by fine for yeares to begin at a time to come, with a clauſe of diſtreſſe.

North. ſſ. PRecipe A.B. & E. vxori eius, quod teñ C.D. conuenc' &c de vno meſſuag' &c. Sect. 66.

¶ Et eſt concordia talis, ſcz quod pred' A B, & E. conceſſ. tenement predict cum pertinen pretat C.D. & aſſignatis ſuis, Et illa in eadem cur pref. C.D. reddidēt: Habend' & tenend', eidem C.D. a feſto Pentec' q̄ erit in anno domini 1597. vſque finem termini viginti vnius annorum extunc proxim ſequen & plenar complend'. Reddend' inde annuatim pref. A.B & E. & hæred ipſius E. ſeptem libr legalis monete &c. ad feſta S. Martini Epiſcopi in hyeme, N.A.P. equis porcionibus annuatim durante termino p̄d' ſoluend'. Et pro hac &c.

A leaſe of one meſſuage &c. to diuers for 90. yeares, if the leſſee his wife, and two others liue ſo long, reſeruing a rent, and the beſt Beaſt after the death of euery tenant in name of an Heriot, with a clauſe of diſtreſſe for the ſame rent and Heriot, and after graunteth the reuerſion to the leſſor and his wife.

Sect. 67. *Lond. ff.* PRæcipe I.R. armiger & M. vxori eius, & T.B. quod teñ R. C. & V.C. conuenc' de vno meſuagio &c.

¶ Et eſt concordia talis, ſcz. quod p̄dict' I.M. & T. recogñ teñta p̄d cum ptineñ eſſe ius ipſius V. vt ill' &c. cum relaxatione & warr'. Et pro hac &c. ijdem R. & V. conceſſer p̄fat T.B. p̄dict' tenementa cum ptiñ. Et ill' ei reddiderunt in eadem curia: Habend' & tenend' eidem T. & aſſignatis ſuis, a feſto natalis dñi proxim futur, vſq; ad finem termini nonaginta annorum tunc proxim ſequen & plenarie complend, ſi idem T. & I. vxor eius, B.B & T.B, filij ipſius T. tam diu vixerint, aut eorum aliquis tam diu vixerit. * Reddend' inde annuatim p̄d R. & V. & hæred ipſius V. quatuor libr legalis monetæ Angliæ, ad feſta Annunciationis beatæ Mariæ virginis, natiuitatis Sancti Ioh. Bapt. S. Michaelis Archang. & natiuitatis dñi, per æquales porciones annuatim ſoluend toto termino p̄d', ac ſoluend' poſt deceſſum T.B. patris, & poſt deceſſum cuiuſlibet inde tenentis ſuum optimū animal nomine heriot. * Et ſi contingat p̄d redd 4.li. aretro fore in parte vel in toto poſt aliqd feſtū feſtorum p̄d quo vt p̄ferr ſolui debeat non ſoluť, aut ſi contingat p̄d' optimū animal nomine heriot vt præfert ſoluend' poſt deceſſum cuiuſlibet teñtium præmiſſor fore inſoluť aut ſubtract. * Quod tunc bene licebit p̄d' R. & V. & hæred ipſius R. in p̄d' teneñt cum pertinentijs intrare & diſtringere, diſtrictiones; ſic ibidem capť & habiť licite abducere, aſportare, & effugere, ac penes ſe retinere, quouſq; de p̄d reddiť 4.li. & arreragijs eiuſd (ſi quæ fuerint) vna cum optimo animali p̄d quando contingerit plenarie fuerint ſatisfact' & perſoluť. * Conceſſer etiam p̄cd' R. & V. p̄cd' I. & M. reuerſionem tenementor præd' cum pertiñ & præd reddiť 4 li. ac p̄d redd optimi animalis nomine heriot ſuper' reſeruat. Et illa eis reddidet in ead' curia. Habend & tenend eiſd I. & M. & hęred ipſius I. & M. & hæred ipſius I. de capital' dñis feod illi' imperpetuum &c.

A Leaſe for yeares to one of the Conuſors of one meſſuage &c. reſeruing rent, with a nomine pœnæ, and a diſtreſſe for the rent and paine, with a graunt of the reuerſion to one of the Conuſors, and his wife in generall taile.

Sect. 68. *Midd. ff.* PRęcipe E.P. armig' & vxori eius, & R.B. quod teneant I. R. & T.S. conuenc' de vno meſſuag' &c.

¶ Et

¶ Et est concordia talis, scilicet, quod p̄dict' E. P. & M. & R. B. recogn̄t tenementa p̄dict' cum pertinentijs esse ius ipsius I. vt ill' quæ ipsi idem I. & T. habent de dono p̄dict' E. M. & R. (cum relaxat' & warrant') Et pro hac &c. ijdem I. & T. concess. p̄fat' R. tenementa p̄dict' cum pertinentijs, Et ill' ei reddidet in eadem curia: Habend' & tenend' eidem R. à festo Sancti Mich. vltimo p̄terito pro termino triginta annorum extunc proxim' sequen' & plenarie complend'. * Reddend' inde annuatim p̄dict' I. & T. & hær' ipsius I. viginti libr' legalis monetæ Angliæ, ad duos anni terminos, viz. ad festum Annunciationis beatæ Mariæ virginis & Sancti Michaelis Archang' per æquales porciones annuatim solvend' toto termino p̄dict'. * Et si contingat prædict' redd' xx.li. aut aliquam inde p̄tellam arretro fore in parte vel in toto post aliquod festum festor' prædict' quo vt p̄fert solui debeat non solut' p̄ spacium quadraginta dierum, q̄ tunc forisfaciet prædict' R. prædict' I. et T. & hær' ipsius I. v.li. nomine pœnæ, & quod tunc & toties bene licebit p̄d' I. & T. & hered' ipsius I. in p̄dict' tenementa cum pertinentijs intrare & distringere, districtionesque sic ibid' capt' & habitas licit' abducere, asportare, effugare, ac penes se retinere, quousque tam de p̄d' xx. li. quam de p̄d' quinque libr' nomine pœnæ, vt p̄fert forisfact' cum arreragijs earū (si quæ fuerint) plenarie fuerit satisfact' & persolut'. * Concessit etiam p̄d' I. & T. p̄d' E. & M. p̄d' tenementa cum pertinentijs, ac p̄d' reddit' xx. li. superinde reservat' ac prædictam summam quinque librarum nomine pœnæ. Et ill' eis reddidet in eadem curia. Habend' & tenend' eisdem E. & M. & hær' de corpore ipsius E. legitime p̄creat'. Tenend' &c. Et pro defectu talis exit remān inde W. W. & hered' suis imperpetuum. Tenend' &c.

A Fine with graunt and render of the moitie of a manor to the Conuſer for terme of life, without impeachment of waſt, and for ſixteene yeares after her death, then the one moitie of the ſame moitie, to one in fee, and the other moitie of the ſaid moitie to another in fee.

Lib. f. PRæcipe E. A. vid' nuper vxori W. A. Mil' defunct' quod tēn T. F. conuenc' de medietate manerij de H. &c. Sect. 69.

¶ Et est concordia talis, scilicet, q̄ cum E. A. recogn̄ &c. Et pro hac &c. idem T. F. concessit p̄fat' E. A. medietatem prædict' cum p̄tinentijs. Et ill' ei reddidit in eadem Curia: Habend' et tenend' prædict' medietatem manerij &c. p̄dict' E. A. pro termino vitæ suæ ipsius E. absque impetitione alicujus vasti de capitalibus dominis feodi illius per seruitia quæ ad p̄dict' medietatem pertinent tota vita ipsius E. & pro termino sexdecim annorum extunc proxim' sequen' post mortem prædict' E. Et post mortem p̄dictæ E. et post p̄d' termin' sexdecim annor' finitum & determinat', quod tunc vna medietas p̄dict' medietatis manerij

prēd &c. cum ptinent remañ B. G. modo vxori G. armig', et hæred ipsius B. Tenēd de &c. Ac alteta medietas ꝑd medietatis manēt &c. ꝑd cū ptiñ remañ E. G. modo vxori N. G. et hæred ipsi' E. Tenēd de capital' &c.

A Render of three messuages to one of the Conusors for life, the remainder to one and his heires males, the remainder to another and his heires for ever.

Sect. 70. *Essex. ss.* PRecipe N. A. et W. quod teñ R. C. et T. C. conuenc' de trib' messuag'.

* Et pro hac &c. ijdem R. et R. concessl. ꝑfat W. teñt cum pertinentijs. Et ill' ei redd' in ead' cur': Habēd et tenēd eid' W. et assign suis. Tenend de capital' dñis feodi illi' ꝓseruitia quæ ad ꝑd tenta ptinent, tota vita ipsius W. et post decessum ipsius W. ead' tenemt cū ptinent integr' remanebunt I. C. et hæred masculis de corp' ipsi' I. legitime ꝓcreat. Tenend &c. Et si nullus heres sit de corp' ipsius I. legit' ꝓcr', tunc ead' tenta cum ptinent integ' remañ I. C. fratri ꝑd I. et hered' suis imppet. Tenend &c.

An estate for life to the Conusor, and after his death to one I. W. whom the Conusor intendeth to take to his wife for her life in the name of a ioincture, and after her death to the heires males of the bodie of the Conusor.

Sect. 71. ET est concord' talis &c. Et post decess. ipsi' I. ꝑd &c. cum ptinen integr remaneb. I. W. filiæ I. W. nomine iūctur', q̄ (deo dante) ꝑd I. C. ducet in vxor'. Tenend' de capital' &c. tota vita ipsius Ia. et post decessū ipsius I. ꝑd &c. cum pertinent integr' remaneb. hered' masculi' de corpor ꝑd' I. C legitiñ ꝓcreat. Tenend' de capitalibus dominis &c.

A Fine of diuers manors, messuages, and rent, the which the Conusees do render again to the Conusors, to the vse of the wife of the Conusor for her life.

Sect. 72. *Ebor. ss.* PRec' T. C. armig', W. R. armig' T. P. al', et L. B. gen, quod &c. teñ I. D. et E. vxori eius conuenc' de manerijs de C. N. et E. cum pertinent, ac de ducentis mess. &c. et de x. libr. redd' cum pertinent C. N. et B. Et nisi &c.

¶ Et est concordia talis, scilicet, q̄ ꝑd' T. C. W. R. T. P. et L. recog' manēt, teñt, et redd' ꝑd cum ptinent esse ius ipsius I. Et ill' remisit quiet clam de se et de heredib' suis præf. I. et heredibus ipsius I. imperpetuū. Et ꝓ hac &c. ijdem I. et E. concessēt prēd' T. C. W. R. T. P. et L. ꝑd' manēt, tenement, et redd' cum pertinentijs, et ill' eis reddidēt in eadem Curia. Habend et tenend eisdem T. C. W. R. T. P. et L. tota vita ipsius E. Et prædict' I. et hæred sui warrant prędict' T. C. W. R. T. P. et L.

prād'

ꝓdicta mania, tenementa & redd' cum ptin sicut dictum est, contra omnes homines durant' vita ꝓd' E. &c.

A fine of messuages, cottages, landes, meadow, pasture, wood, heath, linge, rent of a Parsonage, and of the aduowsin of a Church.

HEc est finalis concordia facta in Curia dñi Reg. apud W.a die P. in quindecim dies, Anno Reg. Iacobi Dei gratia, A.S.F.& H. Reg. fidei defensoris &c. a conquestu tertio, coram E.A.T.M. F.W. W. P. Iustic' & alijs dñi Reg. fidelibus tunc ibi presentib', inter I.B. gen & R. genet' querent, et R.C. senior' armig', et R.C. de Grayes Inne in comitat' Midd' genet' defore' de centū messuag', centū cotagijs, duob' millibus act' terr', mille act' prati, duob' millibus act' pasturę, centū act' bosci, mill' act' iampnor' et bruere, & centū solidis redd' cum ptin' in &c. Necnon de Rectoria de K. cum pertin: Ac de aduocatione Ecclesiæ de K. vnde placita conuencionis fuerūt inter eos in ead' Cur', scz. q ꝓd' R.& R. recognouit ꝓd' tenta, redd', & rectoriā cum ptin, ac aduocationem ꝓd' esse ius ipsius I. vt illa quæ idem I.& R. habent de dono ꝓd' R. et R. Et ill' remisit & quiet clam de ipso R.& hered' suis ꝓd' I. et R. et hered' ipsius I. imperpetuum. * Et ꝓterea ijdē R.& R. concess. ꝓ se & hered' ipsi' R. C. seniorꝭ, q ipsi warrant ꝓd' I.& R. et hered' ipsius I. ꝓd' tenta, redd' & rectoriam cum ptin ac aduocat ꝓd' contra ꝓd' R.& R.& hered' ipsi' R.C. senior imppetuum. * Et ꝓ hac recogn, remission, quiet clam, warrant, fine, & concordia, ijdem I.& R. dederūt ꝓd' R. et R. duo mille libr' sterlingorum. Sect. 73

A fine by the husband and his wife of the lands of the wife, with grant and render of the 4. part of two messuages, foure tofts, two gardens, two orchards, two hundred acres of land, twenty acres of meadow, fourtie acres of pasture, twelue acres of wood, and an hundred acres of moore in 4 parts diuided, the conusors do grant the same againe to the Conusees for their liues, without impeachment of waste, and after their deaths to one of their sonnes in general taile, and for default of such issue, to the other of the Conusees sonnes in generall taile, and for default of such issue, then to the third sonne of the Conusees in generall taile, and for default of such issue, to the right heires of the wife of the conusor for euer.

HEc est finalis concord' facta in Cur' dñi reg. apud West. in Octab. Sect. 74
S. Mich' Anno reg. Iacobi dei gratia Ang', Scotiæ, Franc', & Hiber' reg. fidei defens. &c. a conquestu tertio, coram R.A.T.W. R.W. & T.L. Iust. & alijs dñi reg. fidelibus tunc ibid' ꝓsentibus, inter G.I. & W.W. quer. & I.G. et I. vxor' def. de quarta ꝑte, 1. mess. 1. toft, 1. gard', 20. pom. duc' act' terr, 20. act' prat, 40. act' pas. 12 act' bosc, & 100. act' more cū

pertiñ in G. & I. in quatuor pces diuis. vnde placitū conuentionis sum fu fuit inter eos in eadem curia, scilicet q̄ prædict' T. & I. recogñ prædictam quartam partem cum pertiñ esse ius ipsius G. vt illam quam ijdem G. & W. habent de dono p̄dict' I. & I. Et illam remiss. & quiet clamū de ipsis I. & I. & hered' ipsius I. prædict' G. & W. & hered' ipsius G. imperpetuum. Et p̄terea ijdem Io. & Ia. concesserunt p̄ se & hered' ipsius Ia. quod ipsi warrant prædict' G. & W. & hered' ipsius G. prēd' quartam partem cum p̄tiñ contra prēd' I. & I. & hered' ipsius Ia. imperpetuum. *Et p̄ hac recogñ &c. ijdem G. & W. concesserunt prædict' I. & I. prædict' quartam partem cum p̄tiñ. Et ill' eis reddidēt in eadem cur' habend' & tenend' eisdem I. & I. de capitalibus dñis feodi illius per seruitia quæ ad prædict' quartam partem pertinent tota vita ipsorum I. & I. & eorum alterius diutius viuent' absq; impetitione alicuius vast'. Et post decessum ipsorum I. & I. prēd' quarta pars cum pertinentijs integre remanēt R. C. filio prædict' I. & I. & hered' de corpore ipsius R. legitime procreat'. Tenend' de capitalibus dñis feodi illius &c. imperpetuum. *Et si contingat quod idem R. obierit sine hered' de corpore suo legitime procreat' tunc post decessum ipsius R. p̄d' quarta pars cum p̄tiñ integre remanēt R. C. al' fil' p̄dict' I. & I. & hered' de corpore &c. Tenend' de capitalibus &c. imperpetuum. *Et si contingat q̄ idem P. obierit &c. tunc post decessum ipsius P. p̄d' quarta pars integre remanēt R. C. al' fil' prædict' I. & I. & hered' de corpore &c. Tenend' de capitalibus &c. imperpetuum. Et si contingat q̄ idem R. obierit &c. tunc post decessum ipsius R. prēd' quarta pars cum pertiñ integre remanēt rectis hered' prēd' &. Ia. Tenend' de capitalibus dñis feodi illius, per seruitia quæ ad predict' quartam partem pertinent imperpetuum &c.

A fine of one messuage and of a third part of foure messuages, in three parts diuided, part in possession, and part in reuersion, of a third part for terme of the life of the tenant in Dower, and for terme of life of another tenant for terme of life.

Sect. 75. fol. 2. B. 20. 275. Fol. 88.

Ebor. ss. PRæcipe I. W. & A. mortuus, q̄ iuste &c. reñ I. L. & E. E. quod sint &c. quod sint &c. quod sint &c

& heredib' ipſius I. imperpetuum. Et conceſſit, p̃ ſe & hered' ipſius A. q̃ viginti act' ter', ſex act' poſt, &c. cum pertin' in p̃dict' villa de B. parcel' tenementor' & certis part' p̃d' quę I. A. & E. vxor eius tenent ad termin' vitę ipſius E. de hered' p̃cd' A. die quo hæc concordia facta fuit. Et quæ poſt deceſſum ipſius E. ad p̃cd' I. A. & heredes ſuos debuer' reuert' poſt deceſſum ipſius A. integre remaneant p̃cd' I. E. & E. E. & hered' ipſius I. imperpetuum. Conceſſit etiam p̃cd' I. W. & A. p̃ ſe & hered' ipſius A. quod vnum meſſuag' cum pertin' in p̃d' vill' de B. reſiduũ tenementorum p̃d' quæ I. A. tenet ad terminum vitæ ſuæ de hered' p̃d' A. die quo hæc concordia facta fuit, poſt deceſſum ipſius A. integre, permaneant præd' I. E & E. & hered' ipſius E. imperpetuum.

A fine with graunt and render of the moitie of a manor, reciting that a widow hath the ſame for her life without impeachment of waſte, and after her death to her executors for ſixteene yeres without impeachment of waſt, and after her death and the end of ſixteene yeres, to two and their wiues, and to the heires of the wiues: and after the husbands and their wiues graunt the ſame to the tenant for life in fee, who graunteth the ſame after the end of the ſaid ſixteene yeres vnto the vendors for the terme of ſix and twenty yeres without impeachment of waſte.

Shr. ff. PRecipe N. G. & E. vxor eius, W. G. & B. vxori eius, q̃ reddant Sect. 76
tenement' F. A. conuenc' de mediet' manerij de H. cum pertinen' &c.

Et eſt concordia talis, ſcz. q̃ cum E. A. vidua huper vxor W. A. defuncti, habet & tenet p̃dict' medietat' manerij de H. cum pertin' &c. p̃d' dict' tenementorum & piſcar' p̃d' cum pertin' ad terminum vitæ ſuæ abſq; impetitione alicuius vaſti. Et quæ poſt mortem ipſius E. p̃dict' medietas manerij, tenementorum & piſcar' p̃dictorum remanent per teſtamentũ ipſius E. ad terminum ſexdecim annorum nunc proximè ſequ' poſt mortem ipſius E. abſq; impetitione vaſti. Et quæ poſt mortem p̃dict' E. A. ad terminum p̃dictorum ſexdecim annorum ut N. G. & E. vxor eius, & W. G. & B. vxor' eius, & hered' vtriusq; E. & B. reuert' debent. Prædict' W. G. & B. vxor eius, N. G. & E. vxor eius, concedunt quod dicta medietas dictorum manerijorum, tenementorum, & piſcar' cum pertin' poſt mortem p̃dict' E. A. & poſt p̃dict' terminum ſexdecim annorum finitum & determinat' integre remaneant præd' F. A. & hered' ſuis. Et remanet de claro [illegible] p̃d' [illegible] quę ad p̃dict' medietat' dictorum manerij, tenementor' & piſcar' cum pertinen' pertinent. Et [illegible] quiet' clam de ipſis W. G. & B. vxor eius, N. G. & B. vxor eius, & hered' ſuis p̃fat' F. A. & hered' ſuis imperpetuum. Et preterea

ijdem

ijdem W.G. & B.N.G. & E. concesser' p se & hered' ipsius N. q ipsi warrant' prædict' reuersionem medietatis dictorum manerij, tenitorum, & piscarię cum pertinentijs prefat' F. A. & hered' suis contra ipsos W.G & B.N.G. & E. & heredes suos imppetuum. Et p hac &c. idem F. concessit p sat' W.G & B.N.G. & E. pred' reuersionem medietatis manerij, tenitor', & piscariæ præd' cum ptin'. Et ill' eis reddid' in eadem Curia. Habend' et tenend' eadem reuersionem medietatis manerij, tenitorum, & piscariæ præd' cum ptin' dictis W.G. & B.N. G. & E. a festo Apost' Phil. & Iacobi q tunc proxiñ erit post finem dictorum sexdecem añ vsq; ad finem et terñ xxj. annor' extunc p̃xiñ sequent & plenarie cõplend', absque impetitione alicuius vasti.

A Render of messuages &c. to the cognisor for one weeke, after to a stranger for life, and to his wife for life if she keepe her vnmarried, the reuersion to another stranger and his heires of his bodie vpon M. his wife begotten, the remainder to another and his heires.

Sect. 77

Eber. ff. PRecipe I.W. & E. vxori eius, q tenẽ W.M. & O.S. conuenc' de duobus messuag' &c. in S. Et nisi &c.

Et pro hac &c. ijdem W. et O. concesserunt p̃fat' I. tenement' præd' cum pertiñ. Et ill' ei reddidet' in eadem Curia. Habend' & tenend' eidem I. pro termino vnius septimanæ. Et post terminum illum finitum, pred' tenem cum ptiñ integre remanebunt B. Habend' & tenend' eidem B. de capitalibus dñis feodi illius per seruitia quæ ad ꝑd' tenẽ pertiñ, tota vita ipsius B. Et post decessum ipsius B. pred' tenẽs cum pertiñ integre remañ I. vxori pred' B. Tenend' &c. tota vita ipsius I. si eadem I. tam diu sola & inupta vixerit. Et post decessum siue ꝑconsalia ipsius I. si quæ fuer', pręd' tenẽa cum ptiñ integre remañ E. W. filio & heredi apparenti pred' I. & hered' de corpore ipsius E. de corpore M. vxoris eius inter eos legitime, p̃creat'. Tenend' &c. Et si contingat q idem E. obierit sine heted' de corp' suo de corp' ꝑd' M. inter eos legit' ꝑcreat' tunc post decess. ipsor' E. & M. tenemẽta ꝑd' cum pertiñ integre remañ pred' I. & hered' suis. Tenend' &c. imperpetuum.

A fine of two reuersions of two messuages, one cottage &c. after the deathes of the two tenants for this.

Sect. 78

Eber. ff. PRæcipe R. N. & A. vxori eius, quod reddãt G. F. conuenc' &c. de duobus messuag', vno cotag' &c. in N.

¶ Et est concordia talis, scz. quod prædict' R. & A. recog' tenementa prædict' cum pertin' esse ius ipsius G. & concess. pro se & heredibus

ipsius

2. 83. 98. 89. 90. 91. 128. 133.

ipſius R. quòd prædᵗ coragium, viginti acᵗ terᵗ, decem acᵗ prati &c. parcellᵗ tenementoꝝ prædictoꝝ cum pertinentijs in N. prædᵗ, quę W. Bar. A. vxor eius tenent ad terminum vitę ipſius A. de hereditate prędᵗ R. die quo hæc concordia facta fuit, & quæ poſt deceſſum ipſius A. ad prædict R. et hæredᵗ ſuos debuerunt reuerᵗ, integrè poſt deceſſum ipſius A. ad ꝑd G. et hæredᵗ ſuos remaneant. Tenendᵗ &c. Conceſſit etiam prædᵗ R. & A. quod prædict ij meſſuag' &c. reſidua tenementi prædict cum pertinen in N. prędict, quę W. P. et D. vxor eius tenent ad terminum vitæ ipſius D. de hereditate &c. (*vt antea.*) Et præterea prędict R. & A. & heredes ipſius R. warrantᵗ tenementa prædictᵗ cum pertinentijs præfat G. et heredibus ſuis ſicut dictum eſt, contra prædictᵗ R. & A. et heredes ipſius R. imperpetuum. Et pro hac &c.

Pl. Com. 157. a
Pl. Com. 159. a
× poſt, 47. a
Co. Li. 299. b.

A graunt to the conuſee and his wife, and the heires of their two bodies, with warrantie in taile.

Ebor. ſſ. PRecipe H. E. genᵗ, quod iuſte &c. tenᵗ H. W. et I. vxori eiᵉ conuenᵗ &c. de tenᵗ ſuis in S. Et niſi &c. Sect. 79.

¶ Et eſt concordia talis, ſcz. quod prædictᵗ H. F. conceſſit tenementa et reddit prædictᵗ cum pertinentijs ꝑfat H. W. et I. Et illᵗ eis reddidit in eadem curia. Habendᵗ & tenendᵗ eiſdem H. W. & I. et hæredibus de corpoꝝ ipſorum H. W. & I. inter eos legitime procreat. Tenendᵗ &c. Et prędᵗ H. F. & hæredes ſui warrantᵗ prætat H. W. & I. & heredibus de corpore ipſoꝝ H. W. & I. inter eos legitime procreat tenementa ꝑd ſicut dictum eſt, contra omnes homines imperpetuum. Et pro hac &c.

A Graunt with a render backe againe for life, without impeachment of waſte, diuers remainders in taile diuiding the lands.

Heref. ſſ. PRecipe N. B. & A. vxori eius, quᵗ tenᵗ T. R. & R. G. conuenᵗ &c de vno meſſuag' cum pertiᵗ in E. &c. Sect. 80.

¶ Et eſt concordia talis, ſc. quod prędictᵗ &c. cum relaxatᵗ & warrantᵗ &c. Et pro hac &c. ijdem T. R. conceſſerᵗ præfat N. & A. tenementa prædictᵗ cum pertinentijs. Et illᵗ eis reddiderunt in eadem curia. Habendᵗ eiſdem N. & A. tota vita ipſorum N. et A. et alterius eorum diutⁱ viuentᵗ, abſque impetitione vaſti tota vita ipſius A. Tenendᵗ &c. Et poſt deceſſum ipſorum N. & A. vnum meſſuagium &c. cum pertinenᵗ in F. ꝑd de tenementis prædᵗ parcellᵗ remanᵗ T. B. vni filiorum ꝑd N. et A. et hæredibus maſculis de corpore ꝑd T. legitime procreat, et tunc poſt deceſſum ipſius T. ꝑd tenementa de ꝑd tenementi parcellᵗ integre remanᵗ I. B. alteri filiorum prædictᵗ N. & A. et hæredᵗ maſculᵗ de corpoꝝ ipſius I. legitime procreat. Tenendᵗ &c. Et ſi contingat &c. poſt deceſſum ipſius I. ꝑd tenᵗ de-

A Fine to entaile lands to the heires of the body of the grantee of the body of I.C. her husband deceased, with remainder over, for default of such issue, to the right heires of the said I.C. &c.

Sect. 81. *Leicest. ff.* PRecipe I.C. armig', quod ten' M.C. viduæ conuenc' de tribus mesuag'. &c.

¶ Et est concordia talis, scz. quod prædt I. concessit prædt M. prædt tenementa cum pertinentijs. Et illi et reddidit in eadem Curia. Habend et tenend eidem M. et hæred de corpore ipsius M. de corpore I. C. inper viti sui defunct de legitime procreat, de capitalibus &c. Et si contingat quod eadem M. obierit sine hæred de corpore suo de corpore ipsius I. C. legitime procreat, tunc post decessum ipsius M. prædicta tenta cum pertinent integre remanent rectis hæredibus ipsius I. C. defuncti. Tenend &c. Et pd I.C. armig' et hæred sui warrant pd M. et hæred de corpore suo de corpore prædt I.C. defuncti, ac etiam rectis hæredibus ipsius I. C. fiedem M. obierit sine hæred de corpore suo de corpore ipsius I. C. defuncti licite procreat, pd tenta cum pertinent (sicut dictum est) contra prædt I.C. armig' et hæred suos imperpetuum. Et pro hac &c.

A graunt by a Duke and his wife and the right of his wife to the terme for life of the tenant for life, with warrantie, a render to the grantor for the wives life, to enure her title to her dowrie.

Sect. 82. *Warw. ff.* PRecipe T. Duci N. et M. vxori eius, quod ten T. T. armig' conuenc' &c. de tenementis in W. Et nisi &c.

¶ Et est concordia talis, scz. quod prædt Dux & M. concess. prædt T. T. tenementa prædict cum pertinen, et quicquid idem Dux et M. habent in tenementis prædictis cum pertin, ad terminum vitæ ipsius M. Et illi et reddidet in eadem curia. Habend et tenend eidem T. T. et hered suis de capitalibus dnis feodi illius per seruitia quæ ad eadem tenementa cum pertinent pinent tota vita ipsius M. Et preterea ijdem T. et M. con-

concess. pro se, quod ipsi warrant' p̄d' T. T. & hæred' suis tenēt p̄d' cum pertin̄ contra omnes homines tota vita ipsius M. Et pro hac &c. idem T, T. concess. tenem̄ p̄dict' cum pertin̄ præfato Duci. Et ill' eis reddidit in eadem curia: Habend' & tenend' eadem rem̄ cum pertin̄ eidem Duci & hæred' suis tota vita p̄d' M. Tenend', *ut supra.*

A Fine of the moitie of manors, messuages, land, meadow, pastur, wood, furze, and heath, moore, marish, and rent the aduowson of the moitie of a Church, the aduowson of the moitie of a Monastery or Priory in possession and reuersion in fee.

HEc est finalis concordia facta in Curia dñæ Reginæ apud West- monastet' in crastino sanctæ Trinitat, Anno regni Elizæ Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defens. &c. a conquestu tricesimo secundo, coram E. A. &c. Iustic' & aliis dominæ Reginæ fidelibus tunc ibi præsentibus, inter A. M. & L. H. quer', & T. N. & I. vicecom. ejusd', nam consanguineorum & hæred' R. E. defunct, de medietate maneriorum de W. & R. cum pertin̄, ac de medietate octaginta messuag', 40. acr' terr', 300. acr' prati, 50. acr' pasturæ, 100. acr' bosci, 30. acr' iampnorum & brueræ, 160. acr' moræ, 200. acr' marisci, & viginti solidor' redd' cum pertin̄ in W, R, W. P. T. &c. Nec non de aduocatione medietat' ecclesiar' de E. W. P. & R. ac etiam de aduocat' medietat' Monasterij siue Prioratus de L. vnde placitum conventionis summon' fuit inter eos in eadem curia: Scilicet, quod prædict' T. & I. recogn̄ prædict' medietates cum pertineñ, ac aduocationes prædictas esse ius ipsius A. de quibus ijdem A. & L. habent de dono medietatem prædict' maneriorum de R. cum pertin̄. Necnon medietatem octaginta messuag', 200. acr' terr', 100. acr' prati, 300. acr' pasturæ, &c. acr' bosci, 200. acr' iampnorum & brueræ, 140. acr' marisci, 400. acr' moræ, & viii. s. redd' cum pertin̄, in R. T. H. &c. Ac etiam aduocationem medietatis Ecclesiæ de R. ac aduocat' medietat' Monasterij siue Prioratus de L. parcell' medietat' præmiss' tenement', redd', & aduocat' prædict' de dono prædictorum T. & I. Et ill' remisit & quietum clam. de ipsis T. & I. & hæred' ipsorum I. prædict' A. & L. & hæredibus ipsius A. imperpetuum. Et præterea iidem T. & I. concesserunt pro se & hæredibus ipsius I. quod medietas maneriorum de W. ac medietas 30. messuag', 250. acrarum terræ, centum acrarum prati, &c. cum pertinentijs in W. P. E. & W. prædict', ac aduocationes medietatis ecclesiarum de P. E. & W. prædict', resid' medietatis maneriorum, tenementorum, reddit', & aduocat' p̄d', quæ P. E. tenet ad terminum vitæ suæ de hæreditate prædict' I. dict' quod hæc concordia facta fuit, & quæ post decessum ipsius E. E. ad prædict' T. & I. & hæred' ipsius I. debuerunt reuenire, post decess' ipsius E. E. in rege remanent imperpetuum.

A &

A & I. & hered' ipsius A. Tenend' simul cum pred' medietate & aduocatione quæ eis per finem illum remanent de capitalibus dñis feodi illius, per seruitia quæ ad illas medietates & aduocac' pertinent imperpetuum. Et pd' T. & I. & hered' ipsius I. warrant' pred' A. & L. & hered' ipsius A. pdict' medietates cum pertinentijs, ac aduocatione pdict' sicut predictum est, contra omnes homines imperpetuum. * Et p hac recognitione, remissione, quieta clamatione, warranti, fine, & concordia, ijdem A. & L. concesserunt predictis T. & I. pdict' medietatem manerij de R. & medietatem predict' reñtor' cum pert' in R. T. H. &c. pdict': Necnon aduocationem medietatis ecclesiæ de R. pred', ac aduocationem medietatis Monasterij siue Prioratus de L. prædict, Et illas eis reddiderunt in eadem curia. Habend' & tenend' illi dicto T. & I. & hered' ipsius I. de capitalibus dñis feodi illius per seruitia quę ad illas medietates & aduocationes, pert' imperpetuum. * Et concessit etiam pred' A. & L. predict' medietatem manerij de W. cum pert', ac pd' medietatem reñt' cum pert' in W. P. B. &c. pd', ut T. & I. Et illas etiam reddiderunt in eadem curia: Habend' & tenend' immediate post mortem pred' E. E. eisdem T. & I. & hered' ipsius I. de capitalibus dñis feodi illius, per seruitia quę ad illam medietatem & aduocationem pertin' imperpetuum.

A grant of lands by fines & two rubs renders to the conisor in generall taile, and for defaults of such issue to the right heires generall taile, the remainder to the Queenes Maiestie her heires and successors for euer.

Sect. 84. ET est concordia &c. q pred' A. recogn' tenñ pred' cum pert' esse ius ipsius I. ut ill' quæ idem I. & D. habent de dono predict' A. Et ill' reuisio &c. Et p hac &c. ijdem I. & D. concesser' prefat' A. tenem' pd' cum pert' dict' ill' ei reddid' in eadem curia: Habend' & tenend' eidem A. & hered' ibus de corpore ipsius A. legitime p̃creat', & p defectu talis exitus eorum tenement' pred' cum pertinentijs integre remaneant hered' de corpore R. T. filij pred' A. & hered' de corpore eorum legitime p̃creat'. Et p defectu talis exitus eorum tenement' pred' cum pertinentijs remanent dominæ Elizabethæ nunc Reginæ Angliæ, Franc', & hered' & successoribus suis imperpetuum &c.

A grant of lands in generall taile, to be holden of the graunter in Socage, with diuers rendrs ouer in taile, with warranty against all men.

Sect. 85. Effect. PRecipit S. B. quod reñ W. Siccuens' de ij messuag' &c. cum pertin' in C. Et nisi &c.

¶ Et est concordia talis, scilicet, quod pdict' S. concessit prefato W. tenementa predict' cum pertinentijs, & illa ei reddidit in eadem curia:

Habend & tenend eidem W. & hered' de corpore ſuo legitime procreat de ꝑdict S. & hered' ſuis in Socagio per fidelitatem tantum pro omnibus ſeruitijs & demandis quæ ad predict tenementa pertineat imperpetuum. Et ſi contingat quod idem W. obierit ſine hered de corpore ſuo legitime procreat, tunc poſt deceſſum ipſius W. tenta ꝑd cum pertinentijs integre remanebunt I. S. Auo ꝑdict W. & hered' de corpore ipſius I. legitime procreat. Tenend (*vt antea.*) Et ſi nullus heres de corpore ipſius I. fuer legitim procreat, tunc ꝑd tenta cum pertin integre reuertent ad ꝑd S. & heredes ſuos quiet de al' hered ꝑdictorum W. & I. Tenend de capital' &c. Et præterea ꝑdictus S. & heredes ſui warrant prædict W. & hered de corpore ſuo legitime procreat, & predict I. & hered de corpore ſuo legitime procreat ſi idem W. obierit ſine hered de corpore ſuo legitime procreat, ꝑd tenement cum pertin (ſicut dictum eſt) contra omnes homin imperpetuum. Et pro hac &c.

A graunt of 16. acres of moore in generall taile to be holden of the grantor by Knights ſeruice by ſuit of Court twice a yere, and vi.s. rent.

Eſſex. ſſ. PRæc' I. G. gen, quod ten P. I. con de ſexdecim act moræ cum pertin in K. Et niſi &c.

¶ Et eſt concordia talis, ſc. qd ꝑd I. conceſſit pref. P. tenta ꝑd cum pertin, & ill' ei reddidit in eadem Curia: Habend & tenend tenement prædict cum pertinentijs ꝑfat P. & heredibus de corpore ſuo legit procreat. Tenend de dicto I. & heredibus ſuis per ſtruitium militare & ſect' Cur ſuę apud K. bis ꝑ annum, ac reddend annuatim ꝑfat I. & heredibus ſuis ſex ſolid &c. ad teſta &c. ꝑ equales portiones annuatim imperpetuum ſoluend. Et ꝑd I. warrant tenta ꝑd cum ꝑtinentijs ꝑfato P. et heredibus de corpore ſuo legitime ꝓcr (ſicut dictum eſt) contra ꝑdict I. et heredes ſuos imperpetuum. Et pro hac &c. Sect. 86.

A Fine ſur releas of Knights ſernice, Caſtle gard, and Murage, vpon a Writ of Cuſtomes and Seruices for a ſumme of money paied, ſauing all other Seruices made by conſent of the King.

HEc eſt finalis concordia facta in Curia domini Regis apud Weſtmonaſter à die Sanct Michaelis in xv. dies, Anno regni Regis H. filij Regis I. quinquageſimo prim coram G. de P. & R. de M. Iuſtic' & alijs domini Regis fidelibus tunc ibi præſentibus, inter W. de P. quer, & H. B. defore', de conſuetudinibus et ſeruitijs quę idem W. exigerat de ꝑd H. de libero tento ſuo quod ꝑdict W. tenet in W. et W. ſcz. de vno feodo Militis & dimid cum pertinen. Et vnde idem W. exigebat de prædicto H. quod faceret ei ad Wardum Caſtri de B. quando euenerit, & ad muragi- Sect. 87.

muragium ciusdem castri cum necesse esset quantum ad prędict' tenementum pertinet. Quę seruitia idem H. ei non cognouit. Et vade placitum inter eos in eadem curia summonit fuit, scilicet quod prędict' W. concessit pro se & hæredibus suis, quod prędict' H. & hæred sui, & eorum tenent de honore de B. sint quiet de prędict' seruitijs imperpetuũ: Saluis eidem W. & hęred suis, omnibus alijs seruic' ad prędict tenement pertinent. Et pro hac concessione, fine, & concordia, idem H. dedit ꝑdict W. decem & octo marcas argent. Et hęc concordia facta fuit ex assensu & voluntate eiusdem dom. Regis eam concedentis. This old fine is in Dyer. fol. 179. pla. 46.

A Fine of a Manor in possession and other lands in reuersion.

Sect. 88. *Salop. ff.* PRæcipe W. B. quod teñ F. R. conuenc' de manerĩ de R. cum pertinen̄ &c.

¶ Et est concordia talis, scilicet, quod prædictus W. recognouit manerĩ & tenementa ꝑd̄ cum pertiñ esse ipsius F. de quibus idem F. habet ꝑd̄ manerium cum pertiñ, duo mess. &c. cum pertiñ in R. ꝑdict' parcell' tenement ꝑdictor̄ de dono prædicti W. Et ill' remis. &c. Et concessit pro se & hæred suis, quod duo mess. cum pertiñ in R. ꝑd̄ residua tenentꝫ prædictor̄ quę A. B. vidua tenet ad terminum vitæ suæ de hæreditat &c. post decessum ipsius A. integre remanꝫ ꝑfat F. R. & hæred suis. Tenendꝫ simul cum prædicto manerio et tenement' parcel' quæ ei ꝑ finem istum remanꝫ de capitalibus dominis &c. Et ꝑd̄ W. B. et hæred sui warrant̄ præd̄ F. et hæred suis ꝑdict manerꝫ et teñta cum ptin' sicut dictum est contra omnes homines imppetuum. Et ꝓ hac, &c.

Fine by the husband and his wife of manors, messuages, &c. of the aduowson of a Church, of rent, part in possession, and part in reuersion, with a render againe to the cognisor and his wife for their lines without impeachment of waste, and after to the heires of the bodies of the consors, and for default of such issue to the heires of the body of the wife of the consor, and for default of such issue, then to the right heires of T. the cognisor for euer.

Sect. 89. *Midd. ff.* PRæcipe T. M. armig' & M. vxori eius, quod iuste &c. teñ &c. A. S. armig' conuenc' de manerio de W. iuxta Y. W. in G. & S. cum pertinentijs, Ac de CCC. l. mess. &c. Necnon de aduocatione Ecclesiæ W. in G. in' comitat' prædict', Et de manerio de D. cum ptinentijs, Ac de x. mess. &c. et vij. s. vij. d. ob. redd̄ cum pertin' in D. in com̄. G. Ac de manerio de S. cum pertin', Ac de sex mess. &c. cum pertin' in S. C. & V. in com̄ D.

¶ Et

¶Et eſt concordia talis ſcilicet, quod pred' T. & M. recogñ maneria, tenementꝫ & reddit' pred' cum pertinentijs, Ac Aduocationem ꝑdict' eſſe ius ipſius A. de quibus idem A. habet ꝑdict' maneria de W. iuxta Y. W. in D. &c. Ac Aduocationem pred' in pred' Coñ S. Ac predict' manerium de South C. cum pertinentijs. Ac predict' tenementa cum pertiñ in South C. & V. pred', in pred' Coñ D. parcell' manerꝫ, tenementꝫ, & redd' pred', de dono pred' T. & M. Et ill' remiſ. &c. Et conceſſerꝫ pro ſe & hered' ipſius M. quod pred' manerium de S. predꝫ in ꝑdicto Comitatu S. * Ac etiam pred' manerium de D. cum pertinentijs in predicto Coñ G. reſiduum manerior', tenementꝫ, & reddit' pred' quæ F. S. armig' & E. vxor eius tenent ad terminum vitæ ipſius E. de hereditate predict' M. die quo hæc concordia facta fuit. Et quæ poſt deceſſum ipſius E. ad predict' T. & M. & hæredes ipſius M. debuerꝫ reuertere poſt deceſſum ipſius E. integre remanebunt pred' A. S. & hæredibus ſuis. Tenend' ſimul cum predꝫ manerijs, tenementis, & reddit' quæ ei per finem iſtum remañ de capital' dñis feodꝫ illius, per ſeruic' quæ ad pred' manerium, tenementa, redd', ac aduocationem pertinent imperpetuum. * Et ꝑdict' T. & M. & hered' ipſius M. warrant' ꝑdicto A. & hæredibus ſuis ꝑdicta maneria, tenementa, redd', cum pertinentijs, ac aduocationē ꝑdict' ſicut dictū eſt contra omnes homines imppetuum. * Et ꝓ hac &c. idē A. conceſſit ꝑfatis T. & M. pred' maneria, tenemta, & redd', cum pertinentijs, ac aduocationē ꝑdict'. Et ill' eis reddit' in eadem Cur'. Habend' & tenend' eiſd' T. & M. de capitalibus dñis &c. tota vita ipſor' T. et M. et eor' alterius diutius viuen' abſq; impetitione alicuius vaſti. Et poſt deceſſum ipſorum T. et M. ꝑd' mañia, tenemta, &c. integre remanebunt hæredib' ipſius T. de corporib' ipſorū T. et M. legitime procreat': Tenend' &c. * Et ſi nullus hæres ipſius T. de corporibus ipſorum T. & M. fuerꝫ legitime ꝓcreat', tunc ꝑdicta mañia &c. integre remañ hered' de corpore ipſius M. legitime procreat', Tenend' &c. Et ſi nullus hæres de corpore ipſius M. fuerꝫ legitime procreat', tunc ꝑdicta maneria &c. integre remañ rectis hæredibus ipſi' T. imppetuum, Tenend' &c.

A fine of a Reuerſion of a Rent, iſſuing out of a Manor, and ſixe Meſuages.

Eſſex. ff. PRæcipe &c. qd̄ iuſte &c. teñ conuenc' &c. de quadraginta ſolidis reddit' cum pertinentijs, exeunt' de manerio de F. ac de ſex meſuag' &c. Et niſi &c. Sect. 90. S. 78

¶Et eſt concordia talis, ſc. qd̄ ꝑd' I. recogn' ꝑd' redd' cum pertin' eſſe ius ipſius R. & conceſſit ꝓ ſe & heredib' ſuis, qd' ꝑd' reddit' cum pertin' quē H. T. & A. vxor eius tenent ad termin' vitę ipſi' A. de ꝑd' I. die quo hęc concordia facta fuit exeunt' de ꝑd' mañio &c. cum pertin' quem I. H.

Miles modo tenet & qui poſt deceſſum ipſius A. ad ꝑd̄ I.F. & heredes ſuos debuit reuertere, poſt deceſſum ipſius A. integre remanebit præd' R. & hered' ſuis imꝑpetuũ. Et pred'. I.F. et heredes ſui warrant̄ pred' R & hered̄ ſuis pred̄ reddit̄ cum ꝑtiñtijs ſicut pred' eſt, contra I. Abbat. Monaſterij &c. et ſucceſſores ſuos imperpetuum. Et ꝓ hac &c.

A fine of the Reuerſion of a Rent.

Sect. 91. HEc eſt finalis concordia facta in Curia dñi reg. apud W.a die P. in xv. dies, Anno reg. E. filij Regis E. decimo, corã W.B. H. S. I. B. & I. M. Iuſtic' dñi Regis & alijs fidelibus tunc ibi preſentibus, inter R P. quer, & I. B. deforc', de decem marcis red' cum pertin' in B. quem P. de A. tenet ad terminum vitę, vnde placitum conuentionis ſumm̃ fuit inter eos in eadem Curia, ſcilicet, ꝙ pred' I. conceſſit pro ſe heredibus ſuis, ꝙ ꝑd̄ reddit̄ cum pertinentijs quem ꝑd̄ P. tenuit ad terminum vitæ ex dimiſſione ꝑd̄ I. in ꝑd̄ villa die quo hæc concordia facta fuit, & qui poſt deceſſum ipſius P. ad ꝑd̄ I. & heredes ſuos reuertere debuit poſt deceſſ. ipſius P. integre remaneat ꝑdict̄ R. & hered' de corpore ſuo procreat: Tenend' de capitali' dñis feodi illius per ſeruitia quæ ad ꝑd̄ redd' pertinent imperpetuum Et ſi contingat ꝙ idem R. obierit ſine herede de corpore ſuo procr̄, tunc poſt deceſſum ipſius R. pred' reddit̄ cum pertinentijs integre remanebit rectis heredibus ipſius R. tenend' de capitali' dominis feodi illius per ſeruitia quę ad predic. reddit̄ pertinent imperpetuum. Et pro hac conceſſione, fine, & concordia, idem R. dedit præt. I. centum marc' argenti.

A fine of Rent ſervice, and of the Homages and ſervices of diuers.

Sect. 92. *Nott. ff.* PRæcipe quod iuſte &c. ten' connenc' &c. de vndecim ſolidis reddit̄ cum pertinentijs in B. Et niſi prius &c.

¶ Et eſt concordia talis ſcz. ꝙ præd. E. recogn' pred' redd̄ cum pertinentijs eſſe ius pred' W. Et idem E. inſuper conceſſit eidem W. reddit̄ illum cum pertinentiis ſimul cum homagio & totis ſeruitijs S. F. R. L. & I. D. & hered' ſuor̄, de tot tenementis quot ipſi ſeperatim de ipſo E. prius tenuerunt in pred' villa: Habendum & tenendum eidem W. & hered' ſuis de capitalibus dominis feodi illius per ſeruitia quæ ad pred' reddit̄ pertinent imperpetuum. Et predict' E. & hered' ſui pred' redd' cum pertinentijs ſicut prædictum eſt, pref. W. & hered' ſuis contra omnes homines warr̄ imperpetuum &c.

A fine of 4. meſſuages, where the husband and the wife ſell the wines Ioinʒure or Dower abſolutely to him in the reuerſion.

Sect. 93. *Ebor. ff.* PRecipe T. G. armig', & B. vxori eius, quod ten' I. W. & E. vxori eius conuenc' de quatuor meſſuagijs &c.

Sect 94. ¶ Et eſt concordia talis, ſcz. quod cum predict' T. & B. habeant

&

& teneant tenementa p̄d̄ cum p̄tiñ ad terminum vitæ p̄d̄ B. reuerſione inde p̄d̄ E. & hered̄ ſuis poſt deceſſum p̄d̄ B. ſpectant, ijdem T. & B. conceſſ. pref. I. & E. tenementa p̄d̄ cum p̄tiñ, & totum & quicquid in p̄d̄ tenementis cum pertinentijs ad terminum vitę ipſius B. habent, eiſdem I. et E. in eadem Curia redd̄: Habend̄ et tenend̄ eiſdem I. et E. et heredib⁹ ipſius E. durante tota vita ipſius B. de capitali' dñis &c. Et p̄d̄ T. et B. warrant̄ p̄fat̄ I. et E. tenta p̄d̄ cum p̄tinent̄ (ſic vt dictum eſt) contra p̄d̄ T. et B. durante tota vita ipſius E. et pro hac &c.

Co. on the Sh. of Fines, p. 5.

D

Tenant for terme of life, and her husband granteth her estate for life in a manor messuage rent &c. to one B. who in consideration therof, granteth to the contisor and his wife, for the life of the wife.

Suff. ff. PRęcipe L. H. & D. vxori eius quod ten̄ B. B. coñ de manerio de S. cum p̄tiñtijs, ac de ſex meſſuag' &c. cum p̄tiñ in S. Sect. 94.

¶ Et eſt concordia talis, ſcz. q̄ p̄d̄ L. et D. conceſſ. manerium, tenementa, et redd̄ cum p̄tinent̄ quę ijdem L. et D. tenent ad terminū vitę ipſi' D. reuerſione inde poſt mortem eiuſdem D. cuidā R. R. et hered̄ ſuis ſpectant̄ p̄f. B. B. Habend̄ ſibi & aſſign' ſuis tota vita eiuſdem D. Et p̄terea ijdem L. & D. conceſſ. q̄ ipſi warrant̄ manerium, tenem̄ta, et redd̄ p̄d̄ cum p̄tinentijs p̄f. B. et aſſignatis ſuis, tota vita ipſi' D. contra ipſos L. et D. imperpetuum. Et p̄ hac &c. idem B. conceſſit p̄f. L. et D. quendā annual' redd̄ xl. marc' legalis &c. exeunt̄ de manet̄ & tenem̄tis p̄d̄: Habend̄ et percipiend̄ eundem annualem redd' xl. marc' p̄fat̄ L. & D. pro termino vitę eiuſdem D. ad feſta &c. per equales porciones annuatim ſoluend'. Et ſi contingat p̄d̄ annual' redd' &c.

A fine of a Reuerſion of one meſſuage &c. after the death of a tenant for life.

Norff. ff. PRæc' P. A. q̄d̄ ten' E. S. conuenc' &c. de vno meſſuag' &c. Sect. 95.

¶ Et eſt concordia talis, ſc. q̄ p̄d̄ P. recogn' tenementa p̄d̄ cum pertinentijs eſſe ius ipſius E. Et conceſſit p̄ ſe et hæredibus ſuis, quod predicta tenementa, quæ W. B. et A. vxoris eius tenent ad terminū vitę ipſius A. de hereditate ipſius P. die quo hęc concordia facta fuit, Et quæ poſt deceſſum ipſius A. ad p̄d' P. et heredes ſuos debuerunt reuert̄, poſt deceſſum ipſius A. integre remanebunt p̄d' E. S. et hered' ſuis imperpetuum tenend' &c. Et p̄d' P. conceſſit p̄ ſe et hered' ſuis, quod' ipſi warrant̄ p̄d̄ tenementa cum pertinentijs (ſic vt dictum eſt) contra omnes homines imperpetuum. Et p̄ hac &c.

p. 24.

A Fine of a rent granted out of a Manor for life, with a clause of distresse for the same rent.

Liec. ff. Sect. 96.

PRæc' A.C. vid' q̃ teñ H. C. geñ conuenc' de annuo reddit' xl.s. exeunt' de manerio de S. cum ptinentijs in S. Et nisi &c.

Et est concordia talis, sc. q̃ p̃d A. concess. pf. H. p̃d reddit' cum pertinentijs. Et ill' ei reddidit in eadē Curia: Habend' & percipiend' p̃d xl.s. eidem H. & assignatis suis, ad festa Annunciationis beatæ Mariæ virginis & sancti Michaelis Archangeli p̃ æquales porciones annuatim soluend', tota vita ipsi' H. et. Et si contingat p̃d redd' xl.s. arretro fore &c. q̃d tunc bene licebit p̃f. H. & assignatis suis, tota vita sua, in p̃d' manerium cū pertinentijs intrare & distringere &c. Et p̃d A. & hered' sui warant' p̃fat' H. & assignatis suis p̃d redd' xl. s. cum pertinentijs, sic vt dictum est, contra p̃d' A. & hered' suos, tota vita ipsius H. imperpetuum &c. Et p̃ hac &c.

A Fine whereby three seuerall Annuities be granted out of a Manor, and after the Manor also is granted to one E. for life, and after the death of the said E. the Manor &c. to remaine to the said E. and his heires.

Staff. ff. Sect. 97.

PRæcipe E.B. vid', E.B. geñ, R.B. geñ, & R.B. geñ, q̃d teñ R.G. geñ conuenē' de manerio de H. cum pertinentijs, Aē de decem mesuagijs.

¶ Et est concordia talis, scilicet, quod p̃d Eliz. Ed. Baldw. Ra. & Rich. recogñ p̃d manerium, tenementa, & redd' cum ptinentijs esse ius ipsi' R. (*cum Release and warrant'.*) Et pro hac &c. idem Rog. concessit prefat' Edw. quandam annuitatem, siue annualem reddit' vj.li. xiij.s. iiij.d. exeunt' de & in manerio & teñtis predict' cum pertinentijs. Et il' eis redd' in eadem Curia: Habendum & percipiendum eundem annualem redd' vj.li. xiij. s. iiij. d. prefat' Edw. & assignatis suis tota vita sua ad festa Natiuitat' S. Ioh. Baptiste, & Annunciationis beatæ Mariæ virginis, æquis portionibus annuatim soluend'. Et si contingat &c. Concessit etiam idem R. quandam annuitatem siue annualem redd' vj.li. xiij.s. iiij.d. (*vt supra cum clauſ. district.*) Et vlterius idem R. concessit prefat' R. quandam aliam annuitatem &c. vj.li. xiij.s. iiij.d. modò & forma p̃d'. Et preterea idem R. concessit pref. E. p̃d' manerium, tenementa, & redd' cum ptinentijs. Et ill' eis redd' in eadem Curia: Habend' & tenend' pref. E. & assignatis suis tota vita ipsius E. de capitalibus dominis feodi illius &c. Et post decess. ipsius E. p̃d manerium, teñs, & redd' cum pertin' integr' remañ pref. E. & hered' suis. Tenend' de capitalibus &c.

A Fine

A fine of a rent out of Manors to one and his wife in taile generall, & for default of such issue to the right heires of the husband, with a paine of eight pounds for euery fiue weekes that the rent is behinde, and for euery weeke after the v. weeks to forfeit viij.li. nomine pœna with a clause of distresse.

ET pro hac &c. ijdem A. & B. concess. prefat W. & F. quendam annualem redditū nonaginta libr, de predict' mañijs et tenementis cū pertinentijs. Et illas ei reddidēt in eadem curia: Habend' et pcipiend' predict' annualem reddit nonaginta libr, eisdem W. & F. & hered' de corporibus ipsor W. & F. legitime ꝓcr, ad festa S. Mich. Archangeli, et Annunciationis beatæ Marię virginis, ꝑ æquales portiones annuatim soluend'. Et si contingat ꝙ ijdem W. & F. obierint sine hered' de corporibus suis legitime procreat, tunc post decessum ipsor. W. et F. idem annualis redd nonaginta libr integre remaneat rectis heredibus ipsius W. ad festa predict' annuatim soluend. * Et si contingat ꝓdict' annual' redd' nonaginta libr aretro fore in parte vel in toto ꝑ spacium quinque septiman', post aliquod festum festor pred', quo vt prefertur solui debeat, non solut, (si legitim modo petatur apud C. predict') ꝙ tunc et toties ꝓd' W. T. et hered sui forisfacient pred' W. & F. & hered' de corporibus suis legitime ꝓcr, ac etiam rectis heredib' ipsi' W. si pred' W. et F. obier sine hered' de corporib' suis legitime ꝓcreatis octo libr nomine pœnæ. * Et sic qualibet septimana, post predict' quinque septimanas octo libr quoties predict' annualis redd nonaginta libr aretro foret, qd. tunc et toties bene liceret pred' W. & F. & hered' de corporibus suis legitime procreat, ac etiam rectis heredib' ipsius W. si ijdem W. et F. obier sine hered' de corporibus suis legitime procr, in predict' maneria & tenta cum pertinētijs intrare, & distringere, districtionesque sic ibidem captas & habitas, abducere, asportare, et effugare, ac penes se retinere, quousque tam de predict' annual redd nonaginta libr, cum aretagijs eiusdem (si quæ fuerint) quam de predict' octo libr, vt prefertur, nomine pœnæ forisfact', post ꝓdict' quinque septimanas, & pro octo libr pro qualibet septimana post pred' quinque septimanas, vt prefertur, eisdem plene fuerit satisfact' & persolut &c. Sect. 98.

A Fine wherein an Annuitie is granted out of fiue acres of land, to one in fee, with a clause of distresse for default of payment of the same Annuitie.

Essex. ss. PRecipe T. S. de Carmig', & A. vxori eius ꝙ tenẽ. W. D. conuenr' de quinque acris terræ cum pertinencijs in E. &c. Sect. 99.

¶ Et est concordia talis, scilicet, quod pred' T. & A. recognouerunt tene-

tenementa pred' cum pertinentijs, esse ius ipsius W. vt illa quæ idem W. habet de dono p̄dict̄or T. & A. Et ill' remisit et quiet clamauit de se et heredibus suis prefato W. & hered' suis imperpetuum. Et præterea predict' T. & A. concess. pro se & hered ipsius T. q̄ ipsi warrant pref. W. & hered' suis tenementa p̄dict' cum p̄tinentijs, contra omnes homines imperpetuum. Et pro hac &c. p̄dict' W. concessit prefato T. quandam annuitatem, siue annualem redditum 20.s. legalis monetæ Angliæ exeunt & exitur, de, & ex tenementis predict' cum pertinentijs. Et ill'ei reddit in eadem curia: Habend, tenend, et percipiend' præd' annuitatem siue annualem reddit 20.s. p̄d, prefato T. et hered' suis, ad festa S. Martini Episcopi in hyeme, & Pentecost, per æquales porciones annuatim imperpetuum soluend. Et si, ac quoties, contingat predict annuitatem siue annualem reddit 20.s. pred' aretro fore in parte vel in toto post aliquod festum festor predict, quo vt prefertur, solui debeat, non solut, p spacium quadraginta dierum, quod tunc et toties bene liceat & licebit prefat. T. et heredib' suis in p̄dicta tenementa cum p̄tinentijs intrare, & distringere, districtionesq; sic ibidem capt, licite asportare, effugare, abducere, et penes se retinere, quousq; de tota prædict' annuitate siue annual' redditu viginti solid predict' vna cum arreragijs ejusdem, si quæ fuerint sibi sit plenarie satisfact' & persolut &c.

A fine wherein an annuitie is granted in fee, out of xx. acres of land, with suit of Court, & Heriot after decease, receaſe, & alienation of any tenant, with a clauſe of diſtres for default of paiment.

Sect. 100. *South. ff.* PRecipe A.B. & C.D. quod ten. F.G. conuenc' de viginti acris terræ &c.

¶ Et est concordia talis, scz. q̄ pred. A.B. & C.D. recognouerunt tenem̄ta pred' esse ius (*vt in fine ſur recogniſance de droit, Releaſe, & Warrantie*) Et pro hac &c. predict' T. concessit pref. A.B. & C.D. quandam annuitatē, siue annualē reddit xij.d. legalis monetę Angliç exeunt et exitur, de et ex tenem̄tis pred cum p̄tinentijs. Et ill' eis reddidit in eadem curia: Habend & percipiend' predict annuitatem siue annualē reddit 12.d. eisdem A.B. & C.D. et hered ipsi' A. ad festa S. Mich archang. & Annuntiationis beatę Mariæ virginis, per æquales porciones annuatim soluend. * Ac etiam præd' F. concessit p se & heredibus suis pref. A.B. & C.D. & hered ipsius A. ad faciend' sectam annuatim Cur p̄dict' A.B. et C.D. et hered' ipsius A. apud manerium suum de C. bis in anno super licitam monitionem inde prehabitur. Tenend &c. Ac soluend post decessum, recessum, et alienationem tam p̄dicti F. & hered suorum, quā cuiuslibet ālterius tenētis existen liberi tenentis tentorum predict', vel alicuius inde p̄cell', optimum animal cuiuslibet hūdi tenent, nomine

Heriot,

Heriot'. * Et si contingat p̄d annuitat' siue annualem redd', aretro fore in parte, vel in toto, post aliq̄ fest' festor' p̄d', quo, vt p̄fertur solui debeat, non solut', aut secta cur' p̄d non fieri, siue heriot' p̄d cū acciderit non solui aut deliberat', q̄ tunc bene licebit p̄d A.B. & C.D. ac hered' ipsi' A. in tenta p̄d cum ptinentijs intrare, et distringere, districtionesq; sic ibid' capt', licite abducere, asportare, ac penes se retinere, donec et quousq; tam de p̄d annuitate siue annual' redd' xij. d. vna cum arreragijs eiusd', si quæ fuerit, quam de sect' Cur' et heriot' p̄d aretro existen', eisd' A.B. et C.D. et hered' ipsi' A. plenarie fuer' solut', content', et satisfact' &c.

A Fine wherein an Annuitie is granted out of a manor, messuages, and rent in fee, payable at a certain day, houre, and place, with a forfeiture Nomine pœnæ, for the defaults of payment of the Annuitie and paine.

Warw. ff. PRecipe A.B. armig' qd' ten' C.D. conuenc' de manerio de L. cum pertinentijs. Nec non de quatuor messuag' et decē solidis redd', cum pertinentijs in L. p̄d' &c. Sect. 101.

¶ Et est conc' talis, sc. qd' p̄d' A.B. recog. (*vt in fine sur recognisance de droit.*) Et pro hac &c. idem C. concess. p̄f. A. quand' annuitat' siue annual redd' vij. libr' legalis monet' Ang. exeunt' & exitur' de et in mañio & tenemtis cū ptinētijs. Et illā ei redd' in ead' cur': Habēd' et pcipiēd' p̄d ānuit' siue annualem reddit' vij. li. p̄fato A. hered' et assignatis suis, decimo die Sept. inter horam nonam ante meridiem, & horam tertiam post meridiē eiusdem diei annuatim, apud domum siue mansionalem vulgariter nuncupatum S. situat' in foro suo vocato le Market stead in villa C. in Com̄ D. soluend'. Et si contingat p̄dict' annuitatem siue annual' reddit' vij. li. aretro fore, in parte, vel in toto, per spacium xiiij. dierum, post p̄dictam decimam diem Sept. quo vt p̄fertur solui debeat, non solut', quod tunc p̄dict' C. et heredes sui forisfacient eidem A. et heredibus suis xiij. s. iiij. d. nomine pœnæ, toties quoties p̄dicta annuitas siue annualis redditus, aut aliqua inde parcella, sic aretro fore contigerit, Et bene licebit predict' A. et heredibus suis in predict' manerium, et cetera premissa cum pertineñ, et in quamlibet inde parcell' intrare, et distringere, tam p̄ p̄dicta annuitate siue annuali redditu vij. li. et p̄ qualibet inde parcell', quam p̄ predict' xiij. s. iiij. d. nomine pœnæ eidem A. et heredibus suis forisfact' toties quoties sic aretro fore contigerit non solut', districtionesque sic ibidē capt', et habit', licite abducere, asportare, et effugare, et penes se retinere, quousque tam de predict' annuitate siue annuali redditu vij. li. quam pro p̄dictis xiij. s. iiij. d. nomine pœnę toties forisfact' plenarie fuer' eidē A. & heredibus suis satisfact' & persolut' &c.

A Fine in which the Conusors grant to the Conusees in taile, an annuall rent of foure pound issuing out of a Manor payable at two feasts in the yeare, with a clause of distresse for the said rent, and for twentie shillings Nomine pœna if the rent be not payd.

Sect. 102 *Staff. ss.* PRęcipe &c. quod iuste &c. tr̃n conuenc' &c. de manerio de B. Et nisi &c.

¶ Et est concordia talis, scilicet, quod p̃d I.B. & E. recogn̄ manerium p̃d cum pertin̄ esse ius ipsius R. vt ill' quæ ijdem R. & M. habent de dono p̃d I. & E. Et ill' remisit & quiet clam̄ de ipsis I. & E. & hered ipsius E. p̃d' R. & M. & hered ipsius R. imperpetuum. Et preterea ijdem I. & E. concessit p se & hered ipsius E. q̃d ipsi warrant̄ p̃d manerimm cum p. tin̄ prefat R. & M. & hered ipsius R. contra omnes homines imperpetuũ. * Et pro hac recognitione, remissione, quiet clamatione, warr, fine & concordia, ijdem R. & M. concess. p se & hered suis pref. I. & E. & hered de corpore ipsius E. legitime procreat, quatuor libras redd, exeunt de mañio p̃d cum pertinentijs. Et ill' eis redd in eadem Curia: Habend' & percipiẽd' singulis annis, sc. vnam medietat inde, ad festum S. M. & aliam medietat inde ad festum Annunciationis beatę Marię virginis eisdem I. & E. et hered de corpore eiusdẽ E. legitime procr, æquis porcionibus annuat soluend' per man' tenẽtium qui idem manerium cum pertin̄ imposit tenebunt. Et perterea ijdem R. & M. concess. pro se & herd' suis, q̃ si p̃d' redd' ad aliquem t̃minum, quo solui debeat, aretro fuer in pte, vel in toto q̃ tunc bene licebit pf. I. & hered' de corp' ipsius E. legitime p̃cr, distrin̄ p̃d' R. & M. & hered suos, ac illos qui idem mañium imposter tenebunt p oĩa bona & catalla in eod' manerio cum ptinentijs inuent, p xx. solid' nomine pœnæ, pro quolibet t̃mino, sic aret existent p spaciũ vni' mensis Et ea retinere vsq̃ ad plenam soluc' tam de p̃d' quatuor libr redd, quam de p̃d xx. solid nomine pœnæ quæ eis sic aret fuer &c.

A Writ of Covenant for the King, for the Tith Corne of a Parish, and the maner of the Endorsement thereof, by his Attorney Generall.

Sect. 103 *Essex. ss.* PRæcipe A. B. et C. q̃ ten' nobis conuenit inter nos et pfat A. et C. factam de omnibus et omnimod' decimis granor crescen', prouenien', siue renouan' infra parochiam de Hoton. Et nisi fecerint, summ̃n per bonos summonit &c.

Hoc breue indorsetur sic.

¶ Edwardus Coke armig' Attorn' domin' Reg. generalis pro eodem domino Rege sequitur hoc breue.

A Fine knowledged by T. W. to I. R. of one meſuage, one barne, of land, meadow and paſture, and warranty againſt all men.

Eſſex. ſſ. PRecipe T. W. aī q̄ iuſte &c. teneat I. R. conuenc' inī eos facī', de vno meſuagio, vno horreo, 25. acris terre, quatuor acris prati, et decem acris paſturæ cum pertin' in L. Et niſi &c. Sect. 104

¶ Et eſt concordia talis, ſc. quod p̄d T. recognouit tenta p̄d' cum pertinentijs eſſe ius ipſius I. vt illa quæ idem I. habet de dono p̄d T. Et illa remiſit et quiete clamauit de ſe et hered' ſuis imperpetuum. Et p̄terea id' T. conceſſit p̄ ſe et hered' ſuis qđ ipſe warrant tenem̄ta p̄d cum ptin̄tijs p̄f. I. et hered' ſuis contra omnes homines imppetuū. Et pro hac recogn' &c.

A Fine knowledged by T. B. and E. his wife, of a Manor, of two meſſuages, of land, paſture, wood and rent, and fiue ſhillings rent to I. K. with warranty againſt all men: and the ſaid I. K. by the ſame Fine granteth and rendreth backe againe the premiſſes to the ſaid Conuſors, and to the heires of the ſaid T. one of the ſaid Conuſors for euer.

PRecipe T. B. et E. vxori eius qđ iuſte &c. teneāt W. L. et I. K. conuentiones inī eo facī' de manēr de W. cum p̄tin' ac de duob' meſuagijs, octaginta acris terræ, centum acris paſturę, ſexaginta acris boſci, & quinque ſolid' redditus cum pertin' in H. et B. Et niſi &c. Sect. 105

¶ Et eſt concordia talis, ſc. quod p̄d T. et E. recognouerunt manēr tenta et reddit' p̄d cum pertin' eſſe ius ipſius W. vt illa quæ ijdem W. & I. habent de dono p̄d' T. et E. & illa remiſſerunt et quiete clamauerunt de ipſis T. et E. et hered' ſuis prefat' W. et I. et hered' ipſius W. imperpetuum. Et preterea ijdem T. et E. conceſſer̄ pro ſe & hered' ipſius E. quod ipſi warrant maneria, tenemenī et reddit' pred' cum pertinentijs prefat' W. et I. et hered' ipſius W. contra omnes homines imperpetuum: Et pro hac recognitione &c. ijdem W. & I. conceſſer̄ p̄d T. manerium tenta et redd'. p̄d cum pertin' et illa ei reddiderunt in eadem Curia: Habend' et tenend eidem T. et hered' ſuis imperpetuum.

A Fine knowledged by H. K. and I. his wife, I. C. and K. his wife, to R. G. of one meſuage, one gardein, of land and paſture, and the ſame Conuſors for them and the heires of Io. doe warrant two parts of the premiſſes in three parts deuided to the Conuſee and his heires againſt all men for euer.

PRecipe I. H. & I. vxor̄ eius q̄ iuſte &c. ten' R. G. conuen' inter eos facī' de vno meſſ. vno gardin' 40. acris terr', & 4. acris paſturæ cum pertin' in &c. Et niſi &c. Sect. 106

¶ Et

¶ Et est concordia talis, q̄ p̄d I. & I. recogn' tenta p̄d cum ptin' esse ius ipsius R. vt illa q̄ idem R. habet de dono p̄d H. & I.I. & K. & illa remis. & quiet clam de ipsis H. & I.I. & K. & hered' suis pf. R. & hered' suis imppet. Et preterea ijdem H. & I.I. & K. conc̄ess. pro se & hered' ipsius I. q̄ ipsi warr' duas partes tentor' p̄d cum pertin' in tres partes diuid' pf. R. & hered' suis contra omnes homines imppet. Et pro hac &c.

A Fine knowledged by I. P. Knight and M. his wife, and R. H. of two messuages, one gardein, one orchard, and of land, meadow and pasture, to T. P. and I. K. with warrantie against all men. And the Conusees by the said Fine grant, and render to the said R. one of the Conusors in the Fine sixe acres of land &c. parcell of the premisses for one month to come next, and afterwards the same to remain to one I. now the wife of R. N. and R. N. sonne of the said R. and I, during their lifes, and the longer liuer of them. And after their deceases the said six acres of land to remaine to I. N. daughter of the said R. and I. his wife, during her life, reserving a rent with clause of distresse for non payment thereof. And the residue of the premisses, viz. the two messuages, one gardein, one orchard &c. the said Conusees grant and render to R. H. for one moneth, and afterwards to one R. N. and I. his wife. To haue and to hold to the said R. and I. during their liues, and the longest liuer of them, reserving also thereupon a rent with a clause of distresse for non payment thereof. And lastly the said Conusees do grant and render the reuersion of the whole premisses, and the seuerall rents reserued vpon the said grants and renders vnto the said I. F. and M. his wife, two of the said Conusors, and to the heires of the said I. F. for euer.

Sect. 107. PRec' I.F. milit' ac M. vx' eius, & R.H. q̄ iust' &c. ten' T.P. & I.K. &c. de ij. mess. j. gard. j. porc̄, xxj. acris terre, viiij. acris prat', & lviij. acris past' cum pertin' in M. Et nisi &c.

¶ Et est concordia talis, scz. quod pred' I.M. & R. recognouerunt ten' p̄d cum ptin' esse ius ipsi' T. vt ill' q̄ id' T. & I. habēt de dono p̄f. M. & R. Et ill' remis. & quiet clam de ipsis I.M. & R. & hered' suis p̄d' T. & I. & hered' ipsi' T. imppet. Et p̄terea ijd' I.F. M. & R. conc̄es. pro se & hered' ipsi' I. q̄ ipsi warr' ten' p̄d cū ptin' p̄f. T. & I. et hered' ipsi' T. cōt oēs hoīes imppet. Et pro hac &c. ijd' T. & I. conc̄ess. p̄d R. vj. ac' t're, iij. ac' par', & 46. ac' past. de tentis p̄d cū ptin' & ill' ei red' in ead' Cur. Hēd & tenēd eid' R. pro t'm vn' mēsis iam prox' futur. Et post t'm ill' finit easd' 6. ac' t're, 3. ac' prat', 46. ac' past. cū ptin' integr' remain' cuid' I. modo vx' cuiusd' R. N. & cuid' R. N. filio eorund' R. & I. Hēnd' & tenēd' pf. I. & R. tota vita ipsor' I. & R. & eor' alteri' diuti' viuen': Et post decess. corund' I. et R. easd' 6. acras terr', 3. acras prati, et 46. acras past. cū ptin' integre remān' I. N. filiæ p̄d R. et I. vxor' eius: Hēnd' et tenend' eid' I. filiæ tota vita

Warrantie.

The render of the parcell of the premisses.

The rent.

vita eiusd' I. filiq; redd' inde annuat̃ p̃d T. & I. et hered' suis cenť & 8. s. 10. d. ad festum Annunc' &c. p æquales porc' annuatim soluend'. Et si cõtingat p̃d' annualem reddit̃ Cviii. s. x. d. vel aliquam inde p̃cellã à retro fore in p̃te vel in toto p aliqd. festum festorum p̃d quo siue quibus (vt prefertur) solui debeat non soluť. Qd. tunc bene liceat p̃d T. et I. hered' & assign̄ suis tam tota vita naturali p̃d. I. & R. N. modo vxor̃ p̃d R. & eorũ alterius diuti' viuen' quam tota vita p̃d' I. fil' in pred' 6. acras terť &c. cum ptin' et in quamlibet inde parcell' intrare & distingere, & districtiõn sic ibid' capť liceat inde abducere effug' et penes se retinere quousque de p̃d annuali reddit̃ Cviii. s. x. d. & de qualibet inde p̃cella vna cũ arrerag' eiusd' si q̃ fuerint eis plenarie fuer̃ satisfact' & p̃soluť. Et vlterius ijdem T. et I. concesser̃ p̃d R. H. duo messuagia, vnum pomar̃, vnum gardiñ, 16. acr̃ terr̃, 3. acr̃ prati, & 12. acr̃ pastur̃ resid' cum pertiñ teñtor̃ p̃d. Et illa ei reddider̃ in eadem curia: Habend' et tenend' eid' R. pro termino vnius mensis. Et post terminum ill' finiť, eadem duo messuagia, vnũ gardiñ, vnum pomar̃, 16. acr̃ terr̃, tres acr̃ prati, et duodecem acr̃ pastur̃ resid' integre remañ cuidam R. N. et I. vxori eius: Habend' et tenend' eisdem R. N. et I. tota vita ipsor̃ R. N. et I. et hered̃ eorũ alterius diutius viuen̄. Reddend' inde annuatim p̃d T. et I. et hered' eorum 13. s. legalis monete Angel' ad festa pred' per æquales portion' soluend'. Et si contingat pred' annual' reddit̃ 13. s. aut aliquam inde parcellam à retro fore in parte vel in toto post aliqd. festum festor̃ p̃d, quo vt p̃fer̃ solui debeat non soluť. Qd' tunc bene licebit pref. T. et I. in p̃d duo messuag', vnum gardin', vnum pomar̃, 16. acr̃ terr̃, 3. acr̃ prati, et 12. acr̃ pastur̃ resid' cum pertiñ, et quamlibet inde parcell' intrare et distringere, districtioneſque ibidem sic capť liceat abinde abducere, effugare, et penes se retinere quousq' de p̃d reddit̃ 13. s. vna cum arrerag' eiusdem si que fuerint plenarie fuerint satisfact' & p̃soluť: Concesser̃ etiam p̃d T. & I. K. p̃d' I. F. et M. reuersiõn omnium et singulor̃ teñtor̃ p̃d' cum p̃tin' et oẽs reddit̃ p̃d' superius reseruat̃, et illa eis reddider̃ in ead' curia. Habend' et tenend' eisd' I. et M. et hered' ipsi' I. imppetuũ de capital' dñis feodi illius p̃ seruitia quæ ad pred' teñt̃ cũ p̃tin' p̃tinent imperpetuum.

A clause of distresse.

The rendes of residue.

Rent for the residue.

A clause of distresse.

The render of the reuersion of all the premises and all the rents reserued.

A fine knowledged by G. H. and D. his wife. T. S. Esquire, and M. his wife of xl. acres of land to R. B. and W. N. with warrantie. And the conusees doe grant and render to the said D. and to his heires, all mines of coales in a close parcell of the premisses called Stanley field, vvith libertie to dig for the same.

PRecipe G. H. arm̃. & D. vxori eius, T. S. arm̃. et M. vxor̃ eius, quod iuste &c. teneant R. B. & W. W. conuentionem inter eos fact' de 40. acris terræ cum pertiñ in Stanley et Spendon. Et nisi &c. Sect. 108.

¶ Et est concordia talis, sc. quod pred' G. D. T. et M. recognouer̃ tenementa pred' cum pertiñ esse ius ipsius R. vt illa quæ ijdem R. & W. habent

habent de dono pd̄ G.D.T. & M. Et illa remiſerunt et quiet̄ clamauerunt de ipſis G. D. T. et M. et hered' ſuis pref. R. et W. & hered ipſius R. contra pred' G.D.T. et M. & hered' ipſius T. imppetuum. Et pro hac recognitione &c. pred' R. & W. conceſſerunt pref. G. D. omnes mineras carbonum vocat̄ all Pines of coales, exiſtēn in quodam campo parcell' tenem̄ præd̄ vocato Stanley field: nec non libet̄ ingreſſum & egreſſum in et ſuper pd̄ camp̄ de fodend' in mineris illis pro carbonibus illis omni tempore Anni ad libetum ipſorum G. & D. et hered' eiuſdem D. Et illa omnia eis reddiderunt in eadem cur̄. Habend̄ capiend' & percipiend' pred' miner̄, ingreſſus, egreſſus, ac libertat̄ pd̄ cum pertin̄ pf. G. & D. et hered̄ ipſius D. imperpetuum.

The conuſees doe graunt & render coale mines in part of the premiſſes to two of the conuſors and libertie to get them.

A Fine knowledged by W. K. and K. his wife of the third part of one meſſuage, one barne, one garden &c. to I. K. and T. H. with warranty againſt all men: and the ſaid conuſees doe grant and render to the ſaid S. one of the conuſors, the ſaid third part of the premiſſes from Mich. or Thannunciation &c. which firſt ſhall happen to be next after the death of one E. now the wife of W. T. for the terme of xxi. yeares, reſerving a rent yeerely to the conuſees with a clauſe of diſtreſſe for the ſaid rent. And laſtlie, the ſaid conuſees grant and render the reuerſion of the ſaid premiſſes to W. K. and K. his wife, beeing two of the ſaid conuſors in the ſaid fine, and to the heires of the ſaid K. for euer.

Sect. 109.

PRecipe W.K. & K. vxori eius quod iuſte &c. teneant I.K. & T.H. conuentionem inter eos fact' de tertia parte vnius meſſuagij, vnius horrei, vnius gardini, xxx. acrarum terræ, duarum acrarum prati, et x. acratum paſturæ cum pertin' in &c. Et niſi &c.

¶ Et eſt concordia talis, ſc. quod pred' W.K. & S. recognouerunt tertiam partem pred' cum pertin' eſſe ius ipſius I. vt illa quæ ijdem I. et T. habent de dono pred' W. K. & S. Et illa remiſerunt & quiete clamauerunt de ipſis W. K. & S. & hered' ſuis pf. I. & T. & hered' ipſius I. imperpetuum. Et preterea ijdem W. K. & S. conceſſerunt pro ſe & hered' ipſius K. quod ipſi warrant̄ tertiam partem pred' cum pertinentijs prefat. I. & T. et hered̄ ipſius I. contra omnes homines imperpetuum. Et pro hac recogn̄ ijdem I. & T. conceſſer̄ pred' S. tertiam partem pred' cum pertin' & illam ei reddiderunt in eadem curia. Habend' & tenend̄ eidem S. a feſto Sancti Michaelis Arch. vel à feſto Annunc' beatæ Mariæ Virginis quod prius & proxim̄ contigerit vel erit poſt mortem cuiuſdam E. modo vxoris W. T. & nuper vxor̄ R. G. defunct' vſque ad finem et terminum xxi. annorum extunc proxim̄ ſequen' & plenar̄ complend': Reddend̄ inde per Ann' pd̄ I. & T. xii. d. ad

Warrantie.

The render.

d. ꝑd feſtũ Annunciationis beatæ Mariæ virginis & ſancti Michaelꝭ Archang' ꝑ æquales porciones ſoluend'. Et ſi contingat ꝑd annualem reddꝫ xij d. vel aliquam inde parcellam aretro fore in parte vel in toto poſt alıquod feſtum feſtorum ꝑd quo vt prefertur ſoluı debeat non ſoluꝫ, qđ tunc bene licebit pref. I. & T. heredꝫ & aſſign' ſuis in tertiam partem ꝑd cum pertinen' & in quamlibet inde parcellam intrare & diſtringere, diſtrictionesq; ſic idiđ capt̃ liceat ab inde abducere, effugare, aſportare et penes ſe retinere, quouſq; de ꝑd annuali reddꝫ xij. d. et de qualibet inde pcella vna cũ arreragijs eiuſđ ſi quæ fuerint, plenarie eis fuerit ſatisfact. et perſoluꝫ. Conceſſer etiam ꝑd I. K. & T. H. ꝑd W. & K. reuerſione iij. partis ꝑd cum ptiñ et reddꝫ ꝑd ſuperius reſeruaꝫ. Et illa eis reddidꝫ in eadem Curia: Habend̃ et tenend̃ eiſđ W. & K. et heredꝫ ipſius K. imperpetuum de capitalibus dñis feod' illius per ſeruic' quæ ad eandem tertiam partem pertinent imperpetuum.

Clauſe of diſtreſſe for the rent.

The grant of the reuerſion and the rent reſerued vpon the leaſe for 21. yeares.

A Fine knowledged by W. P. and M. his wife, of a Manor &c. one water mill, one winde mill, three douehouſes &c. to E. B. and R. C. and the Conuſees by the ſame Fine doe grant vnto the ſaid M. a yearely rent of xij. li. going out of the ſaid Manor: Habendum *from Michaelmas or the Annunciation next after the death of the ſaid W. P. her husband, and one of the Conuſors in the ſaid Fine during her life, in the full recompence of her title of Dower or Ioynture in any of the Lands of her ſaid husband, with a clauſe of Diſtreſſe for the ſaid rent. And laſtly the ſaid Cogniſees grant and render againe the ſaid Manor &c. to the ſaid W. P. the Conuſor, and husband to the ſaid M. and to his heires for euer.*

ET eſt concordia talis, ſcilicet qđ ꝑd' W. & M. recognouerunt manerium et teñta ꝑd cum pertin' eſſe ius ipſius E. & R. vt illa quæ ijdem E. & R. habent de dono ꝑd' W. & M. Et illa remiſſerunt et quiete clamauerꝫ de ſe et heredꝫ ſuis pref. E. & R. et heredꝫ ipſius E. imperpetuum. Et preteria ijdem W. & M. conceſſer ꝑ ſe et heredꝫ ipſius W. quod ipſi warr' manerium & teñta ꝑd cum pertin' ꝑſ. E. B. & R. & heredꝫ ipſius E. contra omnes homines imperpetuum: Et pro hac recognitione &c. ijdem R. & E. conceſſer preſaꝫ M. quandam annualem reddꝫ xij. li. exeũ de preſaꝫ Manerio et tenementis cum pertiñ. Habendum & tenend̃ et annuatim percipiendum ꝑd annualem reddiꝫ xij. li. ꝑſ. M. & aſſignſuis a feſto ſancti Michaelis Archangeli vel Annunc' beate Mariæ virginis proxim̃ & immediate ſequent̃ poſt mortem ꝑd W. pro & durante vita naturali eiuſdem Mariæ ad duos anni terminos viz. ad feſta ſancti Michaelis Archangeli et Annunc' beatę Mariæ virginis equalibus portionibus annuatim ſoluendum in plenam recompentionem totius tituli vel Iunctur̃ ſue, dotis, quæ eidem M. contingere debent de aliquibus

Sect. 110.

Warrantie

A grant of a rent in recompence of iointure & dower.

terris

terris vel tenuis ꝑd W. P. Et si contingat ꝑd annual' redd' xij.li. vel aliquam inde parcellam à retro fore p aliquod testum festorum ꝑd quo fiue quibus vt prefertur solui debeat. Quod tunc & toties bene licebit ꝑd M. et assign suis in pd' manerꝭ & tenementꝭ siue in aliquâ inde ꝑcellam intrare & distringere, & districtiõ siue districtiones sic ibidem capt' abducere, effugare, & penes se retinere quousq; de pd' annuali redd' xij.li. & de qualibet inde parcella vna cum arreragijs eiusdem si quæ fuerint plenarie satisfact' fuerint & ꝑsolut: Et vlterius ijdem E. & R. concesser' pd' W. manerium et tenta ꝑd cum ptiñ & illa ei reddiderunt in eadem curia: Habend' & tenend' pd' manerꝭ cum ptiñ pref. W. & hered' suis imperpetuum. Tenend' &c.

The render of the manor &c. by the conusees to the conusor and his heires for euer

A fine knowledged by I. G. & M. his wife to R. R. Knight, Lord R. of one messuage, one barne, and c.v.s. rent, the parsonage of B. and the aduowson of the vicarage of B. with warrantie against the conusor and his wife, and the heires of the husband

Sect. 111

PRæcipe I. G. alias G. & M. vxori eius qd ipse &c. teneat R. R. milit' Domino R. conuentionem &c. de vno messuagio, vno horreo, xv. acris terræ vj. acris prati, xx. acris pasturæ, & v.s. redd' cum pertiñ in B. ac de rectoria de B. pd': Necnon de aduocatione vicar' Eccles. de B. Et nisi &c.

¶ Et est concordia talis, sc. qd ꝑd' I. & M. recognouerunt ꝑd tenta redd' & rectoriam eum ptiñ ac aduocac' ꝑd esse ius ipsius dñi R. vt illa quæ idem dñus R. habet de ꝑd I. & M. & illa remiser' & quiete clamauer' de ipsis I. & M. & hered' suis pref. dñi R. & hered' suis. Et ꝑteria ijdem I. & M. concesser' pro se & hered' ipsius I. qd ipsi warrant' ꝑd dño R. & hered' suis ꝑd tenta redd' & rectoriam cum ptiñ ac aduoc' ꝑd contra ꝑd I. & M. & hered' ipsius I. imperpetuum. Et pro hac &c.

A fine knowledged by I. S. & M. his wife of one garden &c. with two seuerall warranties: The first warrantie against the consors and their heires onely: and in the second, the said I. S. & M. his wife grant to warrant the premisses for them and the heires of the husband against all men.

Sect. 112

PRecipe I. S. & M. vxori eius quod iuste &c. teneant N. W. conuenc' inter eos fact' de vno gardino, & decem acris terræ cum pertiñ in S. Et nisi &c.

The first warrantie

¶ Et est concordia talis, sc. quod ꝑd I. & M. recognouerunt tenta ꝑd cum pertiñ esse ius ipsius N. Et illa remiserunt & quiete clam de ipsis I. & M. & hered' suis predict' N. & hered' suis imperpetuum. Et preterea ijdem I. & M. concess. pro se & hered' ipsius I. quod ipsi warranti-

za-

tabunt tenta pred' cum pertin' pref. N. & hered' ſuis imperpetuum. Et preterea ijdem I. & M. conceſſer p ſe & hered' ipſius I. qd. ipſi warrant' predict tenementa cum pertin' pref. N. & hered' ſuis contra omnes homines imperpetuum. Et pro hac &c. The ſecond warrantie.

A fine knowledged by E. R. of a manor, &c. twelue meſſuages, x. toftes, x. Gardens, two winde milles &c. and ſix pound rent, with warrantie againſt all men.

PRecipe E.R. armig', quod iuſte &c. teneat H. W. gen, conuentionem inter eos fact' de manerio de S. cum pertin, ac de xij. meſſuagijs, x. toftis, x. gardinis, duobus molend' ventilibus, 600. acris terr, 40. acris prati, 6. acris paſture, ducent acr boſci, quingent acris iampn' & bruer & 6. li. reddit cum pertin in &c. Et niſi &c. Sect. 113.

¶ Et eſt concordia talis, ſc. quod pred' E. R. recognouit manerium tſta et reddit præd' cum pertinentijs eſſe ius ipſius H. W. vt ill' quæ idem H. habet de dono pred' E. Et illa remiſit & quiete clamauit de ipſo E. et hered' ſuis præd' H. et hered ſuis imperpetuum. Et præterea id E. conceſſit pro ſe et hered ſuis quod ipſi warrantizabunt pred H. & hered ſuis manen, tenen et reddit pred' cum pertinentiis, cõtra omnes homines imperpetuum. Et pro hac &c.

A fine acknowledged within the Countie of Cheſter by H. S. Eſq. to W. F. & R. C. of diuerſe manors, &c. with warrantie againſt all men. And the conuſee by the ſame fine, graunt and render the ſame manors &c. vnto the conuſor and his heires males, and for default of ſuch heires malet, then to certaine perſons for the life of I. S. brother vnto the ſaid conuſor, and after his death to his heires males. And if the ſaid I. S. died vvithout heire male, then to diuerſe other of the name and kindred of the conuſor, and to their heires males, and for default of ſuch heires, the laſt remainder in fee to the right heires of the conuſor for euer.

HEc eſt finalis concordia fact' in curia domini Regis apud Ceſtriam die Lunæ &c. Anno &c. coram M. H. milit Iuſticiario dom Regis et aliis domini Regis fidelibus tunc ibid preſentibus inter W. F. et R. C. quer, et H. S. de O. in com Ceſtriæ arm, de manc de O et O. cum pertinentiis, ac de xiiii. meſſuagiis, 500. acr terr, 200. acr prati, 500. acr paſturæ, 60. acr boſci, C. acris more et mariſci, et ij. s. reddit cum pertin' in O. O. in C. et W. ac de medietate manerii de E. cum p̃tin' et de 6. meſſuagiis, C. acris terre, C. acr prati, xx. acr paſturæ, ij. acris boſci, xx. acris iampnorum et bruere cum pertinentiis in E. Vnde Sect. 114.

plaie-

placitum conuentionis ſummonit fuit inter eos in eadem Cur', ſcilicet, qd̄ p̄d̄ H. recogn̄ manerr̄ tenta & reddit p̄d̄ cum pertin̄, ac p̄d̄ medietatem ſuam manerij de E. & p̄dict' tenta in E. p̄dict' cum pertin̄ eſſe ius ipſius W. vt illa quæ ijdem W. & R.C. habent de dono p̄dict' H. Et illa remiſerunt & quiete clamanerr̄ de ipſo H. & hered' ſuis præf. W. & R. & hered̄ ipſius W. imperpetuum. Et preterea idem H. conceſſit, p ſe & hered̄ ſuis qd̄ ipſe & hered̄ ſui warrant̄ maneria, tenta, & reddit̄ p̄dict' ac pred̄ medietatem p̄dict' manerij de E. & predict' tenta in E. predict' cum pertin̄ præf. W. & R. & hered̄ ipſius W. contra omnes homines imperpetuum, Et pro hac recogn̄, remiſſione, quiet clam̄, warrant̄, fine, & concordia predict' W. & R. in eadem Curia conceſſer̄ præf. H. M. manerr̄ tenta & reddit̄ p̄d̄ ac p̄d̄ medietat̄ p̄d̄ manerr̄ de E. & p̄d̄ tenement̄ in E. p̄d̄ cum pertin', & illa ei reddider̄ in eadem Cur': Habend̄ eidem H. & hered̄ maſculis de corpore ſuo legitime procreat̄. Et ſi contingat p̄d̄ H. obire ſine hered̄ maſculo de corpore ſuo legitime procreat̄, Quod tunc p̄dict' manerr̄, tenta & reddit̄, ac predict' medietas predict' manerij de E. ac predict' tenta in E. cum pertinen̄ poſt mortem predict' H. S. R. S. filio & hered̄ appareñ T. S. arm̄, R. S. filio E. S. R. B. & E. B. pro termino vitæ I. S. fratris predict' H. remaneant. Ita quod manerr̄ tenta & reddit̄ predict' ac p̄dict' medietat̄ predict' manerr̄ de E. & predict' tenementa in E. cum pertinentijs poſt mortem pred̄ I. S. hered̄ maſculis de corpore predict' I. legitime procreat̄ remaneant. Et ſi contingat eidem I. S. ſine hered̄ maſculo de corpore ſuo legitime procr̄ obire, quod tunc manerr̄ tenementa & reddit̄ p̄d̄, ac p̄d̄ medietas p̄d̄ manerij de E. & p̄d̄ tenementa in E. p̄d̄ cum pertinentijs, T. S. de S. armig' & hered' maſculis de corpore ſuo legitime procr̄ remaneant. Et ſi contingat predict̄ T. S. ſine hered' maſculo de corpore ſuo legitime procr̄ obire, quod tunc predict̄ manerr̄, tenementa & redd̄, ac pred̄ medietas dict̄ manerij de E. & p̄dict̄ tenementa in E. p̄dict̄ cum pertinen̄ T. S. filio G. S. & hered' maſculis de corpore eiuſdem T. S. filij p̄dict̄ G. legitime procr̄ remaneant &c. Et ſi contingat eidem G. ſine herede maſculo de corpore ſuo legitime procr̄ obire, quod tunc manerr̄ tenta & redd' p̄dict̄ ac p̄dict̄ medietas dict̄ manerij de E. & tenementa p̄dict̄ in E. p̄dict̄ cum pertin' rectis hered' pref. H. S. remaneant imperpetuum.

Warrantie.

The reader.

Remainders in taile.

The remainders after the death of I. S, the Conuſors brother to the heires males of the ſaid I. S.

The other remainders if the ſaid I. S. die without heire male.

The laſt remainder in fee to the right heires of the Conuſor for euer.

A Fine knowledged before the Iuſtices of Cheſter by B. P. and E. his wife, of a Manor, &c. one Water-mill, one Doue-houſe, one Garden, two Orchards, &c. with Warrantie.

Sect. 115.

PRæcipe B. P. & E. vxori eius quod iuſte &c. teneant I. S. Arm̄, conuencionem, inter eos fact̄ de Manerr̄ de O. al' O. ac de vno molendino aquatico, vno columbario, vno gar-

gardino, duobus pomarijs, centum acr̃ terrę, ſexaginta acr̃ prati, ducent̃ acr̃ paſturæ, quadraginta acris boſc', centum acr̃ bruere, treſcent̃ acris more, centum acris turbarię, quinquaginta acris mariſci, triginta acris terræ aqua coopert̃ cum pertinentijs in O. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod p̃d B. E. recogn' manerium & tenem̃t p̃d cum pertiñ eſſe ius ipſius I. Et ill' remiſ. & quiet̃ clam̃ de ſe & hæredibus ſuis prefat̃ I. & hæred' ſuis imperpetuum. Et preterea Warrantie. prefat̃ B. et E. conceſſ. pro ſe & hered̃ ipſius B. quod ipſi warrantizabunt maneria & tenementa predict' cum pertinentijs prefat̃ I. & hered' ſuis contra prefat̃ B. et E. & hered' ipſius B. imperpetuum. Et pro hac &c.

A Fine knowledged by an Earle and his wife of a manor, aduowſon, liberties, free warren, and free fiſhing, and a fould courſe for 2000. ſheepe.

PRecipe Tho. comiti Suſſex & Fran. vxor̃ eius quod iuſte Sect. 116. &c. teñ Will' Curſon arñ conuenc' inter eos fact' de manerio de B. cum pertiñ ac de 80. meſſuagijs, 50. cotagijs, 10. toftis 100. gardinis, 60. pomarijs, 400. acris terræ, 60. acris prati, 200. acris paſturæ, 20. acris boſci, 40. acris iampnorum & bruerę, 200. acris more, 100. acris alneti 20. s. redd' cum pertiñ in Billingſod alias Billingforth, Bylowe alias Bylingh, &c. necnon aduocatione Eccleſię de Bylingſoord, ac de libertate vnius Foldagij ad 2000. ouium, libera warenna, & libera piſcaria in B. &c. Et niſi &c.

¶ Et eſt concord̃ talis, ſcilicet quod præd' comes & Franciſ. recognouer̃t predict' maneria tenem̃t et reddit̃ cum pertinentijs ac aduocationem libertat̃ libr̃ warreñ & liberã piſcar̃ pred' eſſe ius ipſius W. vt illa quæ idem W. habet de dono pred̃ comitis & Fr. Et illa remiſer̃ & quiet̃ clam̃ de ſe & hered̃ ſuis imperpetuum. Et præterea ijdem comes & Fr. cõceſſ. Warrantie. pro ſe et hered' ipſius comitis qd ipſi warran̄ mañiũ tenementa & reddit̃ p̃dict' cum pertiñ, ac aduocationem, libertat̃, libr̃ warren̄, & liberam piſcar̃ pred̃ pref. W. et hered' ſuis contr̃ oẽs hoĩes imppetuũ. Et p̃ hac &c.

A Fine knowledged by the husband and the wife, and a third perſon of certain acres of land, meadow, and wood, and the husband and the wife warrant the land to the Conuſees and to the heires of one of them: and the ſame Conuſees grant and render againe the land to E. wife of one of the Conuſors from Michaelmas paſt for the terme of 99. yeares without impeachment of waſte, yeelding a rent to the Conuſees, and to the heires and aſſignes of one of them with a clauſe of diſtreſſe for non payment

of the rent and afterwards they grant the rent and the reuerſion of the lands in fee to one W.W.

Sect. 117

PRecipe W. Walgraue arm̃ & E. vxori eius & E. E. qđ iuſte &c. teneant R. R. & T. G. conuenc' &c. de duab' act' & dimid' prati & 70. acris boſci, cum pertiñ in E. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod pred' W. E. & E. recognouer̃ pđ tenementa cum pertiñ eſſe ius ipſius R. vt illa quæ idem R. & T. habet de dono pred' W. E. et E. Et ill' remiſer̃ & quiet' clamauer̃ de ipſis W. E. et et hered' ſuis pđ R. & T. & hered' ipſius R. imperpetuum. Et p̃terea pđ W. et E. conceſſ. pro ſe et hered' ipſius W. quod ipſi warrantizab' pred' R. & T. & hered' ipſius R. predict' tenement' cum pertinentiis contra omnes homines imperpetuum. Et pro hac recognitioñ &c. pred' R. R. & T. G. conceſſ. pref. E. pđ teñta cum pertinentijs & illa ei reddit' in eadem curia. Habend' et tenend' eidem E. a feſto S. Michalis Archangeli iam vltimo p̃terit' vſq; ad finem & terminum 99. annorum tunc proxim̃ ſequen̄ & plenarie complend' abſq; impetitione alicuius vaſti: Redd' inde annuat' prefat' R. et T. et hered' & aſſignat' ipſius R. duran̄ toto termino pred' ſexaginti ſolid' & vnum denar' legalis monetæ Angliæ ad feſtum Annunciationis beatæ Mariæ & S. Michaelis Archangeli æquis porciones ſoluend': Et ſi contingat pred' reddit' 60. s. & vn' denarij aretro fore in parte vel in toto poſt aliquod feſtum feſtorum pred' quibus vt p̃mittitur ſolui debeat non ſolut', quod tunc bene licebit prefat' R. & R. & hered' & aſſignat' ipſius R. in teñta pred' cum pertiñ intrare & diſtriñ & diſtrictiones ibidem ſic capt' abducere & aſportare et penes ſe retinere quouſq; de pred' reddit' vna cum arreragijs eiuſdem ſi quæ fuerint plenar' furſ' ſatisfact' content, & perſolut'. Et vlterius ijdem R R. et T. G. conceſſ. pred' reddit' pred' 60. s. and vnius denar' ac reuerſionem teñtorũ pred' cum pertinentijs pref. W. W. & hered' ſuis imperpetuum.

Warrãtie.

The render.

Rent

Clauſe of diſtreſſe.

The render of the rent & reuerſion of the land to one in fee.

Capt' & recognit' fuit coram me W. Bendloſe ſeruien̄ ad legem apud S. in parochia de B. &c.

A fine knowledged by two vnto one, with warrantie againſt all men.

Sect. 118

A fine ſur cognisance de droit.

ET eſt concord' talis, ſcilicet qd præd' L. G. & T. B. recognouer̃ teñt predict' cum pertinentijs eſſe ius ipſius I. G. vt illa quæ idem I. habet de dono pred' L. & T. Et illa remiſer̃ & quiet' clam̃ de ipſis L. G & T. & hered' ſuis imperpetuum. Et præterea ijdem L. G. et T. cõceſſ. pro ſe et hered' ipſius G. qd ipſi warran̄ pdict' I. et hered' ſuis teneñta pred' cum pertiñ, contr' oẽs hoẽs imppetuũ. Et p̃ hac &c.

The warrantie

A

A Fine knowledged of two meſſuages, and two gardens, &c. by the husband and the wife, and diuers others, to W.C. with ſeuerall warranties.

PRæcipe R. F. & E. vxori eius & G.C. & B. vxori eius qd teñ W.C. geñ. conuenc' &c. de 2. meſſuag', 2. gard', vno pomar', 30. acris terræ, 10. acris prati, 40. acris paſturæ, & 16. s. redd' cum pertinentijs in W. D. Et niſi &c. Sect. 119

¶ Et eſt concordia talis, ſcz. qd predict' R. & E. G. et B. recogñ teñta, predict' cum pertineñ eſſe ius ipſius W. vt illa quæ idem W. habet dedono pred' R. & E. G. et B. Et illa remiſer & quiete clam de ipſis R. & E. & hered' ipſorum G. E. et B. pref. W. et hęred' ſuis imperpetuum. Et præterea ijdem R. et E. conceſſ. pro ſe & hered' ipſius E. qd ipſi warrantizabũt teñta pd cum ptiñ pref. W. & hered' ſuis contra omnes homines imperpetuum. Et vlterius ijdem G. et B. conceſſ. pro ſe et hered' ipſius B. qd ipſi warrant teneñt pd cum pertiñ pref. W. et hered' ſuis contra pd G. & B. et hered' ipſi' B. imperpetuum. Et pro hac &c. Geneall warrantie. Speciall warrantie.

A fine knowledged of foure meſſuges, one toft, three barnes, three gardeins, three orchard, &c. to W.S. and N.W. with warrantie.

INter W.S. & N.W. quier, & O.B. & A. vxor eius defor' de 4. meſſuag', 1. toft 1 trib' horreis, trib' gardinis, trib' pomarijs, 20. acr' prati, 6. acr' paſturæ cum pertiñ in K. et B. Sect. 120

¶ Et eſt concordia talis, ſcz. quod pd O. et A. recognouer teneñta pd' cum pertiñ eſſe ius ipſius W. vt illa quæ ijdem W. et N. habent de dono predict O. et A. Et illa remiſer & quiete clamauer de ipſis O. et A. & hered' ipſius A. pred' W. & N. et hæred' ipſius W. imperpetuum. Et præterea idem O. et A. conceſſ. pro ſe & hæred' ipſi' A. quod ipſi warrant pred' W. & N. & hered' ipſius W. pred' tenementa cum pertineñ contra pred' O. & A. & hered' ipſius A. imperpetuum. Et p hac &c. Warrantie.

A fine knowledged by two husbands and their wiues of two meſſuages, and two gardens, with ſeuerall warranties.

PRecipe G.F. & R. & vxori eius A.I. & K. vxori eius quod teñant G.T. conuenc' &c. de duobus meſſuag', duobs gardinis cum pertiñ in K. &c. Et niſi &c. Sect. 120

¶ Et eſt concordia talis, ſcz. quod pd G. et R. et A. & K. recognouer tenemenť pd' cum ptiñ eſſe ius ipſius G. vt illa quæ idem G. habet de dono præd' G. et R. et A. et K. et illa remiſer et quiete clamauerunt de ipſis G. & R. et A. et K. et hered' ipſorum R. & K. pred' G. et hered' ſuis imperpetuum Et pręterea ijdem G. et R. conceſſer p ſe & hered' ipſi' R. Warrantie.

quod ipſi warrant' predict' G. & hered' ſuis pred' tenta cum pertin' contr' pred' G. & R. et hered' ipſius R. Et vlterius ijdem A. & K. conceſſ. pro ſe & hered' ipſius K. qd ipſi warr' pred' G. et hered' ſuis pred' tenementũ cum pertin' contra predict' A. & K. et hered' ipſius K. imperpetuum. Et p hac &c.

Nota quę *Dyer* chiefe Iuſtice dit, quæ ſi les femes fuiſſent ſoers quæ adonques il ne beſoigne double garrantie in forme auandit, mes ſingle garrantie eſt aſſets bone.

A fine knowlegded by the husband and his wife, to a man and his wife of one meſſuge, one gardein, one orchard, one barne, one ſtable, one wharfe, &c. with warrantie.

Sect. 122

PRæcipe R. I. & H. vxori eius quod iuſte &c. teneant A. I. et K. vxori eius conuenc' &c. de vno meſſuagio, vno gardino, vno pomario, vno horreo, vno ſtabulo, vna wharfa, et vna ac' boſci cum pertinentijs in K. ſuepr K. Et niſi &c.

¶ Et eſt concordia talis, ſcz. qd predict' R. & H. recogñ tenta, predict' cum pertineñ eſſe ius ipſius K. vt illa quæ idem A. et K habent de dono pred' R. & H. Et illa remiſer' & quiete clamñ de ipſis R. & H. & hered' ſuis p̃d' A. et K. & hęred' ipſius K. imperpetuum. Et præterea ijdem R. et H. conceſſ. pro ſe & hered' ipſius H. qd ipſi warrantizabũt pref. A. & K. & hered' ipſius K. p̃d' tenta cum ptiñ contra pref. R. et H. & hered' ipſi' H. imperpetuum. Et pro hac &c.

Warrantie.

A fine knowledged by an Earle and his wife to W. C. of a rent of fortie pounds, going out of diuers manors with warrantie.

Sect. 123

PRecipe F. comiti H. & dominę K. vxori eius comitiſſę H. quod iuſte & ſine dilatione teñat W. C. ar' conuenc' &c. de 40. li. redd' exeunt' de manerijs de B. S. &c. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod pred' comes & comitiſſa recognouer' fedditum p̃d' cum pertin' eſſe ius ipſius W. vt illa quæ idem W. habet de dono pred' comitis & comitiſſæ. Et ill' remiſer' & quiet' clamauer' de ſe & heredib' ſuis pref. W. & hered' ſuis imperpetuum. Et preterea iidem comes & comitiſſa concedunt pro ſe & hered' ipſius comitis quod ipſi warrant' reddit' pred' cum pertin' prefat' H. & hered' ſuis contra omnes homines imperpetuum. Et pro hac &c.

Warrantie.

A fine knowledged by the husband and the wife, and one R. D. to R. B. of one manor, &c. one messuage called M. &c with warrantie, who grant and render the same againe to R. D. one of the conusors for terme of 21. yeres to begin at a time to come, reseruing a rent: and afterward the Conusees grant the reuersion of the said manor &c. and the reuersion to one of the Conusors and his wife, and to the heires of the husband, to hold of the chiefe Lords of the fee.

PRecipe I. F. et B. vxori eius & R. D. quod iuste &c. teñ R. B. conuenc' &c. de mañio de C. et I. cum pertiñ ac de duobus messuag', vocat' B. 20 messuag', 40. acr' terr', 100 acr' prat' 500 acr' pastur', 200 acr' bosci, & 40 acr' iampnor' & bruer' cum pertiñ in W. F. Et nisi &c. Sect. 124

¶ Et est concordia talis, scz. quod pd' I. B, et R. recognouer' pred' manerr' & tenementr' cum pertiñ esse ius ipsius R. B. vt illa quæ idem R. habet de dono præd' I. et B. et R. & ill' remiser' et quiete clamaver' de se & hered' suis pred' R. et hered' suis imperpetuum. Et preterea ijdem I. & B. concesserunt pro se et hered' ipsius I. quod ipsi warrantizabunt pred' R. & hered' suis pred' manerium & tenementum cum pertinentiis, contra omnes homines imperpetuum. Et p̃ hac &c. idem R. concessit pred' R. pred' manerium & tenementum cum pertinen', & illa eis reddit', &c. Habend' & tenend' præd' R. a festo S. Michalis Archangeli, qd' erit in Anno Domini 1563. vsque ad finem termiñ 21. annorum extunc proxiñ sequen'. et plenarie complend'. Redd' inde annuatim predict' R. & hered' suis quandam annualem reddit' 27. li. & 6. s. legalis monete Angliæ ad festũ Sancti Michaelis Archangeli, & Annunciationis beatæ Mariæ virginis, per æquales portiones, annuatim soluend' proxima solucione inde incipiente ad festum S. Michalis Archangeli, quod erit in Anno Dom. 1563. Et si contingat pred' redd' 27. li. 8. s. aretro fore in parte, vel in toto post aliquod festum festorum pred' quo vt prefertur solui debeat. Quod tunc bene licebit prefat' R. & hered' suis in pred' manerium & tenementa cum pertiñ intrare & distringere, districtionesq; sic inde capt' et hab' licit', abducere, asportare, et effugare, ac penes se retinere quousq; de pred' redd' de 27. li. 6. s. cum arrer' eiusdem si quæ fuerint plenarie fuerit satisfact' et persolut'. Concessit etiam idem R. pred' I. et B. reuersionem manerior̃ & tenementorum pred', cum pertiñ ac predict' reddit' superius express. et reseruat' et ill' eis reddit' &c. Habend' & tenend' eisdem I. et B. et heredibus ipsius I. de Capitalibus dominis feodi illius per seruicia &c.

Warrantie.

The terme & the beginning thereof.

Rent.

Clause of distresse.

The grant of the reuersion & the rent to the husband & the wife (being the Conusees) & to the heires of the husband.

A fine knowledged by the husband and his wife to one I. L. Esquire of two manors, 4. messuages, 6. cottages, one dove house &c. with warrantie, in consideration whereof the Conusee granteth a rent of 30. li. to the husband and his wife, & to the heires of the husband, the said rent to begin to be paiable at Michaelmas, and the Annunciation of our Lady, which next shall happen after the death of the Conusor and C. his now wife, or any other which afterwards shall happen to be his wife, with a clause of distresse for the said rent if it be behinde, and having beene lawfully demanded.

Sect. 125

PRecipe R. P. & I. vxor. eius quod ten̄ I. L. conuenc' de mañijs de A. et W. cum pertiñ, ac de 4. messuag, 6. cotag' 1. columbario, 200. acr̄ terræ, 40. acr̄ prat. 300. acr̄ pasturæ, 20. acris bosc', 20. acr̄ iampnor̄ & bruer̄ cum pertinenijs in in W. et W. Et nisi &c.

A rent granted by the Conusors.

¶ Et est concordia talis, scz. quod p̄d R. P. & I. vxor eius recognouer̄ manerr̄ & tenementa p̄d cum pertiñ esse ius ipsius I. vt illa quæ idem I. habet de dono præd' R. P. & I. vxor̄ eius. Et ill' remiserunt &c. Et p̄terea &c. Et p̄ hac &c. idem I. L. concessit prefat R. et I. voxori eius & hered̄ p̄d I. annual̄ redd 30. li. soluend' ad duos anni terminos consuet, viz. ad festum S. Michalis Archangeli, & Annuntiationis beatæ Marię virginis, per æquales portiones, prima solutione inde incipiente ad festum S. Michalis Archangeli, aut Annuntiationis beatę Mariæ virginis qd̄ proxiñ contigerit post mortem pred̄ L. & C. nunc vxor eius existen̄ vel alicuius alterius quam imposterum eius uxor fore contigerit. Et si contingat pred̄ annualem redd̄ 30. li. a retro fore in parte, vel in toto post aliquod festum festorum pred' quo vt prefertur solui debeat non solut̄ per spacium &c. si licite petatur, quod tunc &c.

When the rent shall begin to be payable.

A clause of distresse for the rent after it hath beene lawfully demanded.

A fine acknowledged by the husband and the wife to H. C. of the third part of a Rent issuing out of a manor, with a warrantie against all men.

Sect. 126

PRecipe R. & I. vxori eius, quod iuste &c. teneant H. C. conuenc' &c. de 3. parte 5. li 6. s. 8. d. denariorr̄ reddit̄ cum pertiñ exeunt̄ de mañio de K. Et nisi &c.

¶ Et est concordia talis, scz. quod p̄d R. & I. recogn' tertiam p̄tem reddit̄ p̄d cum pertiñ esse ius ipsius H. vt illa quæ idem H. habet de dono pred' R. et I. Et il' remis. & quiet̄ clam̄ de se & hæredib⁹ ipsius I. prefat H. & hæred' suis imperpetuum. Et preterea ijdem R. & I. concesser̄ pro se & hered̄ ipsius I. quod ipsi warran̄ prefat H. & hered' suis pred̄ tertiam part̄ redd̄ cum pertiñ contra omnes homines imperpetuum. Et pro hac &c.

Warrantie.

A fine

A Fine knowledged by the husband and his wife, to one T.H. of the third part of 34. acres of meadow by these words, viz. Concesserunt & reddiderunt &c. *during the wines life, with warrantie also during her life.*

PRæcipe H. P. & M. vxori eius quod teneant T. H. conuenc' &c. de tertia parte 34. acr' prat', 40. acr' pasturæ, & 6. acr' bosci cum pertinentijs in S. Et nisi &c. Sect. 127 A fine sur release de dower per le husband & le feme. The estate, The warrantie

¶ Et est concordia talis, scilicet quod prædicti H. & M. concesserũt & redderunt tenementa pred' cum pertiñ prefat' T. & hered' suis durante vita ipsius M. Et pred'. H. & M. warrantizabunt tenementa predict' cum pertinentijs præfat' T. & hered' suis durãte tota vita ipsius M. Et pro hac. &c.

A Fine knowledged by V. K. knight, to I. S. knight, E. G. the Queenes Atturney Generall, and others of two manors, 70. messuages, and cottages &c. which the Lady V. widow hath for her life of the inheritance of the Conusor the day of the concord made: and after her death it to reuert to the Conusor, the which by this fine after the death of the said Lady V. is wholly to remaine to all the Conusees in the fine, and to the heires of the said I. S. knight the first of the Conusees in the said fine, with warrantie against all men.

PRecipe I. V. K. militi, quod ten' I. S. milit' E. G. Atturnat' nostr' general' R. W. armig' & W. K. genet' conuentionem &c. de manerijs de M. alias de Prior' H. & M. alias Prior' M. ac 70. messuagijs & cotagijs. Sect. 128 A fine of reuersion after the death of tenant in Dower. pa. 24 a 24. b. 37 a

¶ Et est concordia talis, scz. quod predict' V. recogñ manerla, tenta, & reddit' predict' cum pertineñ esse ius ipsius S. Et concessit pro se et hered' suis quod manet tenementa & redd' pred' cum pertiñ quę dña V. K. vidua tenet ad terminum vitæ suæ de hereditate pred' V. die quo hęc concordia facta fuit. Et quod post decessum eiusdem dominæ V. ad pred' V. & hered' suos, debuere reuerti, quod post decessum ipsius I. S. dominæ V. integre remanere pred' I. E. R. & W. & hered' ipsius I. S. imperpetuum. Et præterea idem V. conest. pro se & hered' suis quod ipse warrantizabit manet, tenta & reddit, pd' cum pdiñ pref. I. E. R. & W. & hered' ipsius I. S. contra omnes homines imperpetuum. Et pro hac recognitione &c. The widowes estate in the Conusors inheritance. The reuersion granted to the said Conusees, & to the heires of one of them &c.

A fine knowledged by a widow and one other to the Preſident and ſcholers of S. Iohns Colledge in Oxon. of the Scite and principall houſe of the Colledge commonly called, the White Friers in the ſuburbs of Oxon. and 6. meſſuages, 6 gardens, 6 orchards &c. alſo in the ſame ſuburbes with warrantie.

Sect. 129
A fine ſur cognisans de droit

PRecipe I. P. viduæ & E. P. gen̄ q̄d iuſte &c. teneant W. E. Preſidenti collegij S. Iohannis Baptiſtæ in Academia Oxon̄ & Scolaſticis eiuſdem collegij conuenc' de Scitu & principali domo collegij vulgarit̄ nuncupat̄ the White Friers in Suburbijs ciuit̄ Oxon̄ cum pertin̄, ac de 6. meſſuagijs, 6. gardinis 6. po. marijs, 20. ac̄ terr̄, 2. ac̄ prati, et 6. ac̄ paſtur̄ cum pertin̄ in Suburbiis ciuitat̄ pred̄ Et niſi &c.

¶ Et eſt concord̄ tal̄, ſcilicet quod præd' I. & E. recognouer̄ tenem̄ta predict' cum pertinentijs eſſe ius ipſius Præſidentis & Scholaſticor̄ vt illa quæ idem Preſes & Scholaſtici habent de dono pred' I. & E. Et illa remiſer̄ & quiet̄ clam̄ de ſe & hered̄ ipſius E. pref. Preſidi & Scholaſticis & ſucceſſoribus ſuis imperpetuum. Et præterea ijdem I. & E. cōceſſ. pro ſe et hered' ſuis, qd ipſi warran̄ pref. Præſidi & Scholaſticis & ſucceſſorib' ſuis tenementa p̄dict' cum pertin̄ contra pref. I. et E. & hered' ipſius E. imperpetuum. Et pro hac &c.

Warrantie.

A fine by two and the wife of them, of lands, meadow and paſture, with warrantie againſt the Conuſors and the heires of the husband

Sect. 130
A fine ſur cognisance de droit,

PRæcipe R. B. gen̄ T. R. & M. uxori eius quod teneant T. B. gen̄ conuenc' &c. de 30. ac̄ terr̄, 2. ac̄ prat̄, 3. ac̄ paſturæ, & 6. ac̄ boſci cum pertinentijs in C. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod predict' R. T. & M. recogn̄ tenta, predict' cum pertineñ eſſe ius ipſius T. B. vt illa quæ idem T. habet de dono pred̄ R. T. & M. Et illa remiſer̄ & quiete clam̄ de ipſis R. T. & M. & hered̄ ipſius R. pref. T. B. & hered̄ ſuis imperpetuum. Et præterea ijdem R. T. et M. conceſſ. pro ſe & hered̄ ipſius R. qd ipſi warrantizabūt tenta p̄d̄ cum p̄tin̄ pref. T. B. & hered ſuis contra p̄d̄ R. T. & M. & hered' ipſius R. imperpetuum. Et pro hac &c.

A Fine knowledged by T. N. knight, to G. T. Eſquire of one manor, one meſſuage, &c. with warrantie againſt all men.

Sect. 131
A fine ſur cognisance de droit,

PRecipe T. N. militi, q̄ iuſte &c. teñat G. T. aī conuenc' &c. de manerī de T. cum p̄tin̄ ac de 1 meſſuag', 100 ac̄ prat̄, 50 ac̄ paſtur̄, et 30. ac̄ boſci cum pertin̄ in T. et G. Et niſi &c.

Et

¶ Et eſt concordia talis, ſcz. quod pred' T. N. recognouer' manet & tenta cum pertin eſſe ius ipſius G. vtil' quæ idem G. habet de dono pred' T. Et ill' remiſer & quiet clamauer de ſe & heredib' ſuis pref. G. & hered ſuis imperpetuum. Et preterea idem T. conteſſer pro ſe & hered ſuis quod ipſi warrant manet & tenta pred cum pertin contra omnes homines imperpetuum. Et pro hac &c. The warrantie

A fine knowledged by T. W. and K. his wife to G. S. of the third part of 8. meſſuages, 6. gardens &c. the which one M. B. widow holdeth for terme of her life and which is of the inheritance of the Conuſors wife, the day of the concord made, and which ought after the death of the ſaid widowe to reuert vnto the Conuſor and his wife, as in the right of his wife: and by this fine after the death of the ſaid widow being tenant for life, is to come and remaine to the ſaid Conuſee and his heires for euer, with warrantie againſt all men.

PRecipe T. W. & K. vxori eius quod iuſte &c. teneant G. S. conuenc' inter eos fact. de tertia parte, 8. meſſuag, 6. gard, 6. acr terr, decem acrarum prat 20 acr paſturæ, 50. acr boſci cum ptin in A. B. C. &c. Sect. 133

¶ Et eſt concordia talis, ſcilicet quod prædict' T. & K. recognouerunt tertiam ptem predict' cum pertinen eſſe ius pred G. & conceſſer quod eadem tertia pars cum pertinentijs quam M. B. vid' tenet ad termin vitæ ſuæ de heredit̃ate ipſius K. die quo hęc concordia facta fuit & quæ poſt mortem eiuſdem M. ad ipſos T. et K. reuertere debet, rem prædict' G. & hered ſuis imperpetuum. Tenend &c. Et preterea ijdem T. et K. conceſſer pro ſe & hered ipſius K. quod ipſi warr prefat G. & hered ſuis tertiam partem pred' cum pertin' ſicut predict' eſt contra omnes homines imperpetuum. Et pro hac &c. A fine of a reuerſion after the death of tenant in Dower. Warrãtie. p. 26. a 24. b

A Fine knowledged by the husband and the wife, to one I. I. of 9. meſſuages, 9. gardens &c. and of the moitie of 20. meſſuages &c. one water mille one douehouſe &c. with warrantie againſt all men.

PRecipe I. P. gener & E. vxor eius quod iuſte &c. ten I. L. conuenciones inter eos fact' de nouem meſſuagijs, nouem gardinis, treſcent acris terræ, centum acris prati, centum actis paſturæ, viginti acris boſci, centum acris iampnorum & bruerę &c. Ac de medietate viginti meſſuagioum, viginti gardinorum, vnius molendini aquatici, vnius columbarij, ſexaginț acris terrę, ducent acris prati, tricent acris paſturę, ſexaginț acris boſci, centum acris iampnorum & brueræ, cum Sect. 133 A fine ſur cognisance de droit.

cum ptiñ in N.B.C.D. &c. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod pred' I.P. & E. recognouer' pred' tñta & medietatem cum pertiñ eſſe ius ipſius I.L. vt il' quæ idem I.L. habet de dono prædict' I.P. & E. Et ill' remiſer' & quiet' clamauer' de ſe & heredib' ſuis pref. I.L. & hered' ſuis imperpetuum. Et preterea idem I.P. & E. conceſſer' pro ſe & hered' ipſius E. quod ipſi warrant' pref. I.L. & hered' ſuis pred' tñta et medietatem cum pertiñ contra omnes homines imperpetuum. Et pro hac &c.

The order of taking the knowledge of a Fine by Dedimus poteſtatem *directed to diuers, but the knowledge taken onely by two of the Commiſſioners, and the certifying thereof by the Commiſſioners that tooke the knowledge.*

After the fine is acknowledged, the Commiſſioners muſt write vnder the concord of the ſaid fine as followeth.

Capt' et recogñ die &c. Anno &c. coram A.B. arm̃, & C.D. virtute breuis dom̃ Reg. de *Dedimus poteſtatem* nobis & alijs direct'.

Commiſſioners { A.B. C.D.

Then write vpon the backe of Dedimus poteſtatem.

Reſponſ. A.B. arm̃, & C.D. gener' duorum Commiſſ. infra nominatorum.

Executio iſtius Commiſſionis patet in quadam Schedula huic commiſſioni annex'.

Then muſt the Commiſſioners ſubſcribe their names.

A fine knowledged by W.D. and I.D. to I.R. and I.D. of one meſſuage and one cottage in Ipſwitch, with warrantie againſt all men: In conſideration whereof the Conuſees doe grant and render the premiſſes to the ſaid I.D. one of the conuſors for terme of ſeuen daies next following, and afterwards the ſame premiſſes wholly to remaine to one M.G. for her life, and after her death the premiſſes wholly to remaine to the ſaid W.D. one of the ſaid conuſors and his heires for euer.

Sect. 134

PRecipe W.D. & I.D. quod iuſte &c. teneant I.R. gen̄ & I.D. conuenc' de vno Meſſuagio & vno cotagio cum pertin' in I. Et niſi &c.

¶ Et eſt concord' talis, ſcilicet quod præd' W.D. & I.D. recognouer' tenementa predict' cum pertinentijs eſſe ius ipſius I. vt illa quæ idem I. & I.

& I.D. habent de dono predict' W.D. & I. D. Et illa remiſerunt & quiete clam̃ de ſe & hered' ſuis pref. I.& I. et hæredibus ipſius I. imperpetuum. Et præterea ijdem W.& I. conceſſ. pro ſe & hæred' ipſius I. D. quod ipſe warrant' pred' I. & I. & hered' ipſius I. teñ' pred' cum pertiñ contra omnes homines imperpetuum. Et p̃ hac re-cognitione, &c. ijdem I.& I. conceſſer' tenementa præd' cum pertiñ pref. I.D. Et illa ei reddider' in eadem cur'. Habend' & tenend' eidem I.D. pro termiñ ſeptem dier' extunc proxim̃ ſequen'. Et poſt termiñ illum finit' predict' tenementa cum pertiñ integre remanebunt cuidam M.G. Habend' & tenend' eidem M. tenend' de Capitalibus &c. tota vita ipſius M. Et poſt deceſſum ipſius M, predict' tenementa cum pertiñ integre remanere prefat' W. D. & hered' ſuis imperpetuum. Tenend' de Capitalibus &c.

Warrantie.

The render.

A fine acknowledged by the husband and his wife to H.S. Eſquire, of two meſſuages, two Wich-houſes, two Shops, two Chambers, one Stable, and 10. acres of land &c. with warrantie againſt all men.

HEc eſt finalis concordia fact' in curia domini Regis apud Ceſtriam die Lunæ ſeptimo die &c. Anno &c. inter H. S. querentem & W. G, &.S. vxorem eius deforceañ de duobus meſſuagijs, duobus Salimis vocat' Wich-houſes, alias Salthouſes, duobus Shopis, duobus cameris, vno ſtabulo, decem acris terræ, 4. acris prati, & ſex acris paſturæ cum pertineñ in &c. vnde placitum conuencionis ſumm̃ fuit inter eos in eadem curia. Scilicet quod prędict' W. & E. vxor eius recognouerunt tenementa predict' cum pertinentijs eſſe ius predict' H. S. vt illa quæ ijdem H.S. habet de dono predict' W.& E. Et ill' remiſer' & quiete clamauerunt de ſe et heredibus ſuis pref. H. & heredib' ſuis imperpetuum. Et preterea prefat' W. & E. conceſſer' pro ſe & hered' ipſius W. quod ipſi et hered' predict' W. tenement', predict' cum pt̃iñ pref. H. & hered' ſuis warrantizabunt et hered' ſuis imperpetuum. Et p̃ hac &c.

Sect. 135

A fine ſur cognisance de droit, [illegible]

A fine acknowledged before the Iuſtices of the Common pleas at Weſtminſter of two meſſuages, one toft, 80. acres of land &c. with warrantie againſt all men.

HEc eſt finalis concordia fact' in Curia domini regis apud Weſtmonaſterium in octabis ſancti Martini, Anno &c. coram E.M.W. S.H.B. & I. H. Iuſtic' & alijs dñi Reg. fidelib' tunc ibi preſentibus inter R.B. armig', I.L. geñ, & R.L. geñ. Quer', & H. D. defore' de duobus meſſu-

Sect. 136

meſſuagijs, vno toſto, 80 acris terræ, 20 acris prati, 40 acris paſturæ & tribus acris boſci cum pertinen in H. & W. vnde placitum conuencionis ſumm̃ fuit inter eos in eadem curia. Scilicet quod predict' H. recognouit predict' tenementa cum pertinentijs eſſe ius ipſius R. B. vt illa quæ ijdem R. I. & R. habent de dono predict' H. Et ill' remiſer & quiet' clamauerunt de ſe et heredibus ſuis pred' R. I. et R. & hered' ipſius R.
Warrantie. imperpetuum. Et preterea idem H. conceſſit pro ſe & hered' ſuis qd ipſe warrant̃ I. et R. et hered' ipſius R. predict' tenement̃, cum ptiñ contra omnes homines imperpetuum. Et p hac remiſſione, quiet' clam̃, warrant̃, fine & concordia ijdem R. I. & R. dederunt predict' H. 38. li. ſterling'.

A Fine knowledged by R. H. of P. to R. B. of the manor of I. with warrantie againſt the Conuſor and his heires.

Sect. 138 PRecipe R. H. de P. arm̃ qd iuſte teneat R. B. R. H. &c. conuenc' inter eos fact' de manerio de I. alias I. cum pertin' ac de 20. meſſuag', 500. acr̃ terr̃, 100. acr̃ prat̃, 500. acr̃ paſtur̃, 100. acris boſc', 100. acr̃ more, & mariſci cum pertinenijs in I. alias I. W. et N. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod p̃d R. H. recogn' maneria ac ten̄ net̄ p̃d cum pertiñ eſſe ius predict' R. B. vt illa quæ idem R. &c. habet de dono ipſius R. H. Et ill' remiſ. & quiet' clam̃ de ipſo R. & hæredibus
Warrantie. ſuis prefat̃ R. &c. & hæred' ipſius R. B. imperpetuum. Et preterea ijdem R. H. conceſſit pro ſe & hered̃ ſuis quod ipſe warrantizabit maneria & tenementa pred̃ cum pertiñ prefat̃ R. &c. & hered' ipſius R. imperpetuum. Et pro hac &c.

This is the fine as it is ingroſſed of Record, whereof the Fine next before is but the note.

Sect. 138 HEc eſt finalis concordia fact' in curia domini Regis Ceſtriæ apud Ceſtr̃ die Lunæ &c. viz. 4. die Septembris Anno &c. coram I. T. arm̃, Iuſtic' dicti domini Regis Ceſtriæ apud Ceſtriam & alijs dicti dñi Regis fidelibus tunc ibidem preſentibus. Inter R. B. R. H. & H. H. Quer̃, & R. H. de P. arm̃ deforceañ de manerio de I. cum pertiñ ac de &c. vnde placitum conuentionis ſummonitum fuit inter eos in eadem curia, ſcilicet, quod R. H. recognouerit maner̃ et tenementa pred' cum pertiñ eſſe ius predict̃ R. B. vt illa quæ ijdem R. R. & H. habent de dono ipſius R. H. Et illa remiſerunt & quietè clamauerunt de ipſo R. & hered' ſuis pref. R. &c. et hæred' ipſius R. B. Et præterea ijdem R. H. conceſſ. pro ſe & hæred' ſuis quod ipſe warrant̃ manerium & tenementa pred̃ cum pertiñ pref. R. B. & H. & hered' ipſius R. B. imperpetuum. Et

pro hac recognitione, warranto, fine, & concordia iidem R. &c. dederũt pref. R.H. 100. li. Argenti.

The nine Proclamations of the fine next before made according to the statute of 2. Ed. 6. made for fines with Proclamations within the Countie Palantine of Chester.

¶ Prima Proclamac' fact' fuit die Mercurij ista eadem Sessione, Secunda Proclam facta fuit die Iouis ista eadem Sessione, Tertia Proclam fact' fuit in plena Sessione hic apud &c. tenk die &c. Anno &c. Et sic de cæteris &c.

Three Proclamations in euery Sessions.

A fine knowledged by A.B. to T.F. and G.H. of a Manor with warrantie against all men: and the Conusees in the same fine grant and render againe the said Manor to the said A.B. for one weeke and afterward to N. M. for 21 yeares to begin after the feast of S. Martin the Bishop in Winter reseruing a red Rose at Midsomer, if it be asked. And after the end of the said terme of 21. yeares the said Manor &c. wholly to remaine to the said A.B. the conusors and his heires for euer.

PRecipe A.B. qd iuste &c. teneat T.F. et G.H. conuenc' de manerio &c. Et nisi &c. Sect. 139

¶ Et est concordia talis, scz. quod pd̃ A. recognouit tenemtum pd' eum pertiñ esse ius ipsius T. vt illa quæ ijdem T. et G. habent de dono predict A. Et illa remisit & quiete clamauit de se & hered' suis pref. G. et hæred' suis imperpetuum. Et præterea idem A. concess. pro se & hæred' suis quod ipse warrant tenementa pred cum pertiñ pref. T. & G. & hered' ipsius T. contra omnes homines imperpetuum. Et p hac &c. ijdem T. et G. concesser et in eadem curia reddid' tenta pred' cum pertiñ pref. A. p vna Septimana. Et post termiñ illum finit tenta cum pertin' integr remanr N.M. & assignat suis pro termino 21. annor pro festum Sancti Martini Episcopi in hyeme proxiñ futur immediat sequent et plenarie complend'. Reddend' inde annuatim pref. T. et G. et hered' ipsius T. durante toto termo pred' vnã rubram rosam ad festum Natiuitatis S. Ioh. Bapt. si petatur. Et post termiñ illud finit tenta pred' cum ptiñ integr rem pred' A. et hered' suis imperpetuum &c.

The warrantie

The render,

Rent

Remainder in fee to the conusor.

A fine knowledged by R.B. of two messuages, &c. to I.A. with warrantie against all men: and the Conusee granteth the premisses againe to the Conusor for one weeke, and afterwards to one W.B. for life, reseruing a rent, and afterwards to the Conusor for his life, and after to S.B. his wife for her life, and after to I.B. sonne of the Conusor and his wife for life: and afterwards the

the ſaid Conuſee granteth the reuerſion of the premiſſes and the rent to the ſaid R.B. the conuſor and his heires for euer.

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PRecipe R.B. gen̄ qd iuſte &c. teneat I.A. conuenc' &c. de duobus meſſuagijs, &c. Et niſi &c.

¶ Et eſt concordia talis, ſcz. qd p̄d' R. recognouit tenta pred' cum pertin̄ eſſe ius ipſius I.A. vt ill' quę idem I. habet de dono predict' R. B. Et illa remiſit & quiet' clam̄, de ſe et hered' ſuis præfat' I. et hered' ſuis imperpetuum. Et preterea idem R.B. conceſſit p̄ ſe & hered' ſuis qd ipſe warr' tenta pred' cum pertinen̄ pref. I.A. & hered' ſuis contr' omnes homines imperpetuum. Et pro hac recognitione &c. idem I. conceſſit pref. R.B. &c. et illa ei reddid' in eadem curia. Habend' et tenend' tenta pred' cum pertin̄ pref. A. R.B. p̄ termino vnius Septimanæ. Et poſt termin̄ illum finit̄ remanr' W.B. pro termino vitę ipſius W. B. Reddend' inde per Annū pref. I.A. et hered' ſuis 40. li. ad quatuor Anni terminos, viz. ad &c. per æquales porciones ſolued'. Et poſt deceſſum ipſius R. B. rem̄ inde S.B. vxor' pred' R. pro termin̄ vitæ ipſius S. Reddend' vt ſupra. Et poſt deceſſum ipſius B.S. rem̄ inde I.B. filio p̄d' R. pro termino vitę ſuę reddend' inde vt ſupra. Necnon pref. I.A. conceſſit p̄f. R.B. reuerſionē & reddit' tenem̄torū pred' cum pertin̄, et illa ei reddidit in eadem curia. Habend' & tenend' reuerſionem & reddit' tenta predict' cum pertin' eidem R.S. & hered' ſuis imppetuum. Tenend' de Capital' dn̄is feodi &c.

Warrantie.

The render.

Rent.

The grant of the reuerſion and the rent.

A fine of rent iſſuing out of 6. meſſuages, and 6. gardens with warrantie againſt all men.

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PRecipe W.A. et A. vxori eius qd iuſte &c. tenn̄ R.B. conuenc' de vno annual' rædd' de 5. li. exeunt' de & in ſex meſſuagijs, 6. gardinis cum pertin̄ in L. Et niſi &c.

¶ Et eſt concordia talis, ſcz. qd p̄d' R. recognouit manet' pred' cum pertin' eſſe ius ipſius H. vt illa quæ idem H. habet de dono pred' R. Et Et illa remiſit & quiete clam̄ de ſe et hered' ſius imperpetuum. Et pred' R. conceſſi pro ſe & hered' ipſius W. quod ipſi warrant' reddit' pred' cum pertin̄ pref. R.B. et hered' ſuis imperpetuum contra omnes homines. Et p̄ hac &c.

A fine knowledged by R.L. of a Manor &c. to H. G. with warrantie againſt all men: In conſideration whereof the conuſee by the ſame fine granteth to the conuſor and his heires, one annuitie of 8 li. iſſuing out of the ſame manor, to be paid yearely at the manſion houſe of the ſaid Conuſor, at a certain day and houre, impoſing a paine of 18. s. to be forfeited in default of payment of the ſaid annuitie with a clauſe of diſtreſſe for the ſaid annuitie and paine.

Precipe

PRecipe R.L. quod iuſte &c. tenẽ H.C. conuenc' &c. de manet &c. in O. &c Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod p̃d R. recogn' manerium & tenẽ- Sect.142
tum p̃d cum pertiñ eſſe ius ipſius H. vt illa quæ idem H. habet de do-
no p̃dict' R. Et ill' remiſ. & quiet clam de ſe & hæredibus ſuis imper- Warrantie.
petuum. Et preterea R. conceſſ. pro ſe & hered ſuis quod ipſe warrant
manẽr predict' cum pertinentijs prefat H. & hered' ſuis contra omnes The grant of
homines imperpetuum. Et pro hac &c. pred H. conceſſit pred' R. quan- an Annuitie.
dam annuitatem ſiue annualem reddit 8.li. legalis monete Angliæ exeun
et exeunt de et in manẽr predict' cum pertinen, & ill' eis reddid in eadẽ
curia: Habend' & precipiend pred' annuitatem ſiue annual' reddit 8. li.
pref. R. hæred' & aſſignat ſuis in 8. die Septembris inter horam noſtam The day houre
et duodeciñ ante meridi' eiuſdem diei apud domum ſuam manſionem in and place of
villa de R. in coñ S. ſoluend. Et ſi cõtingat pred annuitatem ſiue annual' paiment of the
redd 8. li. aretro fore in parte vel in toto p ſpat' xx. dierum poſt pred' ſaid annuitie.
8. die Sept in quo vt prefertur ſolui debeat non ſoluit. Qd tunc pred' H.
& hered' ſui forisfac' eidem R. et hæred' ſuis 18.s. legalis monete Angliæ
nomine pene toties quoties præd' annuitat ſiue annualem reddit aut ali- Clauſe of di-
quam inde partem aretro fore contigerit. Et bene licebit prefat R. & he- ſtreſſe for the
red ſuis in pred manẽr cum pertiñ et in quamlibet inde parcellam intra- annuitie and
re & diſtringere, tam pro predict' annuali redd' 8.li et pro qualibet inde the penaltie.
parcella quam p̃ predict' 18.s. nomine pene eid' R. et hered' ſuis foriſ-
fac' toties quoties ſic aretro fore contigerit non ſoluit, diſtrictioneſq; ſic
ibidem capt & habit liceat abducere aſportare, et effugare, & penes ſe
retinere quouſq; de pred annuitate ſiue annuali reddit 8.li. quam de p̃d.
18.s. nomine pene quoties ſic forisfac' fuerit idem R. & hered' ſuis fue-
rint ſatisfact' et perſolut.

*A fine knowledged by A.B. Eſq. of 2. meſſuages, &c. to S.H. in taile gene-
rall to hold of the Conuſor and his heires by the xl. part of a knight fee, and
15.s. 4.d. rent, with warrantie againſt all men.*

PRecipe A.A. arñ quod iuſte &c. teneant S. H. conuenc' Sect.143
de duobus meſſuagijs &c. cum pertiñ in M. Et niſi &c.

An eſtate in
generall taile.

¶ Et eſt concordia talis, ſcilicet quod præd' A.B. conceſſit tenta pred
cum pertineñ prefat S. & hered' de corpore ipſius S. legitime procreat.
Tenend' de dño A. et hered' ſuis per quadrageſſimam partem vni' feod' The tenure
milit & per reddit 15.s. 4.d. per annum ad feſtum &c. annuatim ſoluẽd. rent,
Et preterea predict' A. conceſſit pro ſe & hered ſuis quod ipſe warrant Warrantie of
tenta pred cum pertiñ prefat S. & hered' de corpore ſuo legitime pro- the eſtate taile
creat ſicut predict' eſt contra oẽs homines imperpetuũ. Et pro hac &c.

A Fine knowledged by A. B. and N. his wife of a manor, &c. to S. P. reciting that where the ſaid Conuſors hold the ſaid manor for the life of the ſaid M. the reuerſion thereof to the ſaid Conuſee and his heires belonging, the ſaid Conuſors grant to the Conuſee all that their eſtate in the ſaid manor during the life of M. one of the Conuſors, with warrantie againſt them during the life of the ſaid M.

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PRecipe A.B.& M. vxori eius quod iuſte &c. teneant S.P. conuenc' &c. de manerꝭ &c. Et niſi &c.

Lock 93. b. Sect 46.

See Co. on the St of Wills, p. 5

¶ Et eſt concordia talis, ſcilicet quod cum prædꝭ A. & M. habeant & tenant pro termiñ vitæ ipſius M. manerꝭ p̄dꝭ &c. cum pertinentijs reuerſioñ inde predꝭ S.P. & heredꝭ ſuis ſpectañ, ijdem A. et M. conceſſ. predꝭ S. manerꝭ p̄dꝭ cum pertiñ, & totum et quicquid in manerꝭ predꝭ' &c. habent eidꝭ' S. durante vita ipſius M. Et predꝭ A. et M. warrantꝭ predꝭ' S. manerium &c. cum pertiñ ſicut predꝭ eſt contra predꝭ' A. & M. durante tota vita ipſius. M. Et pro hac &c.

A fine knowledged by I. C. and T. his wife of 2. meſſuages, 1. barne &c. to one H. P. with warrantie: and the ſaid H. P. in conſideration of the ſaid fine granteth and rendreth againe by the ſame fine, the premiſſes to the Conuſors for one day, and afterward to I. P. widow for her life, and after her death the premiſſes wholly to remaine to H. P. and his heires for euer.

Sect. 145

PRecipe I. C. et T. vxori eius quod iuſte &c. teñ H. conuenc' &c. de 2. meſſuagijs, vno horreo, &c. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod p̄dꝭ I. et T. recognouerꝭ tenementꝭ predꝭ cum pertiñ eſſe ius ipſius H. vt illa quæ idem H. habet de dono præd' I. et T. et ill' remiſerꝭ et quiete clamauerꝭ de ſe & heredꝭ ſuis præfat H. et heredꝭ ſuis imperpetuum. Et p̄terea predꝭ I. & T. conceſſerunt pro ſe et hered' ipſius I. quod ipſi warrantizabunt tenementꝭ predꝭ cum pertinentiis pref. H. & heredꝭ ſuis contra omnes homines imperpetuum. Et p̄ hac recognitioñ &c. predꝭ H. conceſſit tenementa pred' cum pertineñ, pref. I. & T. & illa eis reddidꝭ in eadem curia: Habend' & tenend' eiſdem I. & T. pro termino vnius diei. Ita quod poſt eundem terminum finiſ, tenementa prediꝭ' cum pertineñ integre remanerꝭ I. P. vidꝭ pro termino vitꝭ eiuſdem I. Et poſt mortem prediꝭ' I. meſſuag' & horreum præd' &c. integre remanerꝭ H. P. & hered' ſuis imperpetuum. Tenend' de Capitalibus dominis feodi illius &c. Et quinq; acꝭ terræ & vnam acꝭ prati cum pertineñ reſid' tenementꝭ predꝭ integre remanerꝭ A. P. & heredꝭ ſuis imperpetuum. Tenendꝭ &c.

Warrãtie.

The render.

The taking of the knowledge of the Fine.

CApt̃ et recogñt coram Iacobo Dier milit̃ capitali Iustic̃ de communi banco, Anno regni Reg. nunc secundo.

Notes to be obserued in Fines.

1 Nota que aſcun fois plusieurs choſes ſont mis en le Præcipe que ne ſont touſme en le concord.

2 Nota que vn clauſe de Recenterie ne poit eſtre en vn fine.

3 Nota que ſi home purchaſe diuers parcels de terre de diuers hões il purroit paſſer touts les parcels en vn common fine, mes couient que il auer ſeuerall garranties de cheſcun de les parties pour dour ſeuerall parcels.

4 Nota que Caelyn chiefe Iuſtice del banke le roy dit que ſouth noſme de bois, bault bois & Subbois paſſera en vn fine.

5 Nota que per Dyer vn Render ne poet eſtre fait mes tantum a luy que eſt noſme en le fine: mes vn remainder poet eſtre limitted a un per fine, coment que il ne ſoit noſme en le Præcipe.

A Fine knowledged by the husband and wife vnto two of xxx. messuages, of landi, pasture, wood, lunge, heath, and rent in diuers places: the Cousses render the same againe to the said Consors for terme of their two lines, with diuers remainders ouer after their deaths in generall taile to the children of the said Consors. And for default of issue of the said Consors to the right heires of the wife of the Consor for euer.

HEc eſt finalis concordia facta in curia domini regis apud Weſtmon̄ in craſtino Aſcenſionis dñi, Anno regni Henrici octaui Dei gratia Anglię & Francię regis, fidei defenſoris, et dñi Hiber̄n a conqueſtu decimo nono coram R.B.A.F.T.E.& W.S. Iuſtic'. Et poſtea in octabis S.Trinitat̃ Anno regni eiuſdem regis Henric' ſupradicti ibidem conceſſit & recordat̃ coram eiſdem Iuſtic' & alijs domin' regis fidelib' tunc ibi preſentibus. Inter W.H.& I.R. quer̃ & I.C.& T. vxor eius deforc' de triginta meſſuagijs, ducentis acris terræ, treſcentis acris paſturæ, decem acris boſci, ducentis acris iampnorum & bruere, & trigint̃ ſolidat̃ redditus cum ptinentijs in P.F.&c. vnde placitum conuencionis fuit inter eos in eadem curia, ſcilicet, q̃ ꝓdicti I.C.& T. recogñ ꝓd tenẽt cum ptinentijs eſſe ius ipſius I.R. vt illa quę ijdem I.& W. habent de dono prædict̃ I.C.& T. ſit illa remiſerunt & quiete clamauerunt de ipſis I. ſuis & T.& hæred ipſius T. prædictis W. & I.R. in perpetuum. Et preterea ijdem I.C. & T. conceſſerunt pro ſe & hered̃ ipſius T. quod ipſi warrant̃ prædictis W.& I.R.& hered̃ ipſius I.R. prędict̃ tenement̃ cum pertinent̃ contra omnes homines imperpetuum. Et pro hac recogñ, remiſſione, quieta clam̃, warrant̃, fine & concordia ijdem W.& I.R. con-

Sect. 146.

Warrantie generall.

The Render.

I.R. concesserunt prædictis I.C. & T. prædicta tenementa cum pertinentijs. Et illa ei reddiderunt in eadem curia: Habend et tenend eisdem I.C. & T. de capitalibus dominis feodi illius per seruitia quæ ad prædicta tenement pertinent tota vita ipsor I.C. et T. et alterius eorum diutius viuentis. Et post decessum ipsorum I.C. et T. prædt' tenement cum pertin integre remanh I.C. filio ꝑdictor I.C. et T. et hered' de corpore suo legitime procreat, tenend de capitalibus dominis feodi illius per seruitia q̃ ad ꝑdt' tenement pertinent imperpetuum. Et si contingat q̃ idem I.C. filius obierit sine hered' de corpore suo legitime procreat, tunc post decessum ipsius I. ꝑdict' tenem cum pertinen integre remanh R.C. alteri filior ꝑd' I.C. patris et T. et hered' de corpore suo legitime procreat, tenend de capitalibus dominis feod' illius per seruitia quæ ad ꝑd tenĩ pertinent imperpetuum. Et si contingat idem R. obire sine hered' de corpore suo legitime procreat tunc post decessum ipsius R. prædt' tenemta cum pertin integre remanere hæred de corporibus ꝑd' I.C. patris et T. legitime procreat. Tenend' de capitalibus dominis feodi illius per seruitia quæ ad prædict' tenĩ pertinent imperpetuum. Et si nullus hæres de corporibus prædictorum I.C. patris et T. fuerit legitime procreat tunc prædict tenement cum pertinen integre remanh rectis hæredibus ꝑd' T. Tenend de capitalibus dominis feod' illius per seruitia quæ ad prædict tenement pertinere imperpetuum. *

¶ *Adiuncts of Concords.*

Sect. 147. The Adiuncts of a concord, be also of two sorts: Internall, and Externall. Internall be such as be conteined within the very Concord it selfe. Of which sort be the clause of reseruation of seruice, rent, or other thing, the clause of nomine pœnæ, the clause of distres, and the clause of warranties: All which clauses of reseruation, nomine pœnæ, distresse, and warrantie, are to be made in such wordes, and in such formes, as the like are made in Instruments extrajudiciall: for which see Leases and Graunts of rents charge in the first part of Symbo leography, If the following example doe not sufficiently satisfie your desire herein.

Reseruation.
Nomine pœnæ
Distresse.

Warrantie.

And Warranties be sometimes generall, that is to say, against all men: Some against all, except certaine persons: some against certain persons only: some against every Cognizee, and his heires severally: and some against one of the Cognizees, and his heires only. Some of all the lands in fine: some of all, except part: and some of part only, certainly expressed.

The Externall Adiuncts of Concords be the licence of alienation, the Dedimus potestatem, the examination of the parties, and the cog-

cognisaunce. The licence of alienation is a power or authoritie giuen by his Maiestie to the parties, that lands may be alienated without incurring the danger of contempt. Licence of Alienation

And euery such licence is either to alien lands holden in Capite, or to alien lands into Mortmaine.

The licence of alienation of lands holden in Capite, may vary from the fine, and be good, 32. H. 8. Br. Alienations 4. 30.

For the obtaining of which licence, the Clerke of the licences doth vse to draw a docket in paper, conteining the effect of the fine, feoffement, or other deedes, whereby the alienation is to be made. Docket

And thereupon Affidauit or composition must be made for the value of the lands, which are to passe thereby, which is to be signed by the Doctor of the Chancerie that hath power to take oath: When the kings fine is to be payed to the Receiuor of fines who will signe the docket: and afterwards the same is to be signed by two of the Commissioners of the office of fines and licences: and vpon that docket, the Clerke of the licences is to make the licence, and get it sealed with the great seale: which licence is to be made in forme following. Affidauit

A licence of Alienation of lands holden in Capite.

IAcobus Dei gratia &c. Omnibus, ad quos presentes literæ peruenerint, salutem. Sciatis quod nos de gratia nostra speciali, ac pro tribus libris nobis solut' in Hanaperio nostro, concessimus, ac licentiam dedimus, ac per presentes concedimus, ac licentiam damus pro nobis & hæredibus nr̄is quantum in nobis est, dilecto nr̄o I. F. quod ipse totam medietat' manerij de C. cum pertinentijs, ac quadraginta messuag', viginț cotag', quadraginț gardin̄, quinquaginț aceras terr̄, quadraginț act' prati, trescent' act' pastur', 30. act' bosci, trescent' act' mor̄, & viginti libr' reddit, cum pertinentijs in W. & alibi in Comitatu nostro N. eidem medietat' pinent' siue spectant, parcell' inde reputat' aut accept' existen̄, q̄ de nobis tenentur in Capite, dare possit et concedere, alienare, vendere, barganizare, feoffare, warrantizare, aut cognoscere per finem in Curia nr̄a coram Iusticiarijs nostris de Communi banco, aut aliter, seu aliquo quocunque modo dilecto nobis E. R. Habend' et tenend' eidem E. heredibus & assignatis suis, de nobis & heredibus nostris, p̄ seruic' inde debita & de iure consueta imperpetuum: Et eidem E. q̄ ipse dictam medietat' manerij predicti, ac cæterorum p̄missorum cum p̄tinentijs a p̄fato I. recipere possit, & tenere sibi, hered' & assignatis suis, de nobis & heredibus nostris, per seruiria predict' imperpetuum, sicut predictum est, tenore præsentium similiter licentiam dedimus, ac damus specialem: Nolentes quod prædict' I. aut heredes sui, vel p̄dict' E. hered' vel assignati Sect. 148

sui p̄d', rationē p̄missorum, p̄ nos hæredes vel successores nostros, Iusticiar', Escheatores, Vicecom', Balliuos, aut alios officiarios seu ministros nostros, heredum vel successor' nostrorum quoscunque inde occasionentur, molestentur, perturbentur, vexentur, in aliquo, seu grauentur, aut eorum aliquis occasionetur, molestetur, perturbetur, vexetur in aliquo, seu grauetur. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonaster' vltimo die &c.

A licence to alien in Mortmaine.

Sect. 149 IAcobus Dei gratia &c. Omnibus &c. Sciatis quod nos de gratia nostra speciali, ac p̄ 40. solid' nobis solut' in hanaperio nostro, concessimus, ac licentiam dedimus, ac licentiam damus, p̄ nobis & hered' nostris, quantum in nobis est, R. S. q̄ ipse aduocationem de L. Abbati & Conuentui de L. in Comitatu E. dare possit et concedere: Tenendum sibi et successoribus suis de dict' domino Rege et heredibus suis, in liberam, puram, et perpetuam Eleemosynam imp̄petuum. Ac eidem Abbati et Conuentui, q̄ ipsi Aduocationem illam a p̄fato R. S. recipere, et Ecclesiam illam appropriare, et eam sic appropriatam in proprios vsus tenere possint sibi et successoribus, de ipso Rege & heredibus suis, in liberam, puram & perpetuam Eleemosynam imperpetuum: Nolentes &c. *vt supra.*

Quod permittant finem leuari.

Sect. 150 AND after that such licence is had, the vse was (which is not now in vse) to haue a writ, mentioning the licence and the effect of the fine, directed to the Iustices of the common place, commanding them, q̄ p̄mittant finem illum leuari, Regist' fol. 176. a. 1. E. 3. ca. 12. 34. E. 3. ca. 15. 33. H. 6. fol. 2. The forme of which succeedeth.

¶ Rex, Iusticiarijs suis de Banco, salutem: Cum p̄ literas nostras patentes, de gratia nostra speciali, concesserim' I. S. q̄ ipse de manerijs suis de F. & W. cum pertin', quæ de nobis tenentur in Capite, feoffare possit K. &c. (recitando totam cartam) prout in literis nostris p̄d' plenius continetur, ac breue nostrum de conuencione pendeat coram vobis in banco p̄dicto, inter pred' I. et K. de manerijs p̄dict', ad finem inde inter eos secund' legem et consuetudinem regni nri Angliæ leuand', vt accepimus: Vobis mandamus, quod finem illum inter partes p̄d' de manerijs p̄dict, coram vobis in eodem banco leuari p̄mittatis, iuxta tenorem literarum nostrarum p̄dictarum. Teste &c.

But before 20. H. 3. the Kings tenant in Capite might haue alined his free lands without licence, 14. H. 4. 31. 20. Ass. Plac. 17. as it seemeth.

The

The Writ of Ad quod damnum.

But before the graunting of any such licence, either to alien lands, holden in chiefe, or, to alien lands in Mortmaine, or release right in Mortmaine, or exchange, the ancient vse was to haue a writ of Ad qd damnum, containing the substance of the kings licence out of the Chancerie, directed to the Escheator in the countie wherein the lands lie, to be alienes, tornquive and certifie into the Chancerie what damage or prejudice the alienation thereof will be to the King, or the other chiefe Lord, of whom they are holden. And of what tenure & value the lands be. And whether there remaine sufficient free land besides those to the alienor, to sustaine publike charges, and to be in Assises and Iuries &c. Sect. 151.

And this is as well where the alienation is made by the King, or by a Corporation, or a feme couert, as by any other.

The like inquirie by writ of Ad quod damnum, hath beene vsed before the King made any graunt or pardon, for alienation, lease, release, confirmation, or licence, and after the Inquisition returned and certified into the Chancerie, to effect the same accordingly, F. N. bre. fol. 221. et inde vsque fol. 227.

But now experience is to the contrarie, in lieu whereof the vse at this day is, to put in the Kings patents these words: Absque aliquo breui de Ad quod damnum, seu aliquibus alijs breuibus, seu mandatis superinde habendis, fiendis, aut prosequendis.

And one writ of Ad quod damnum will serue for diuers purchases, And a licence to alien in Mortmaine of one King, will serue in the time of another.

But not so of lands holden in chiefe, 22. E. 3. Fitz. Nat. bre. in breui de Ad quod damnum.

I purposely omit here the forme of such writs de Ad quod damnum, because they be so growne out of vse.

Of a pardon for Alienation.

Sect. 152.

But if perchance any alienation of land holden in Capite, be made without licence, a pardon must be sued, the fine of which is the value of lands by one yeare, and the meane profits betweene the Inquisition and the pardon, 31. H. 8. Br. Alienation 29. vnlesse the Commissioners will more fauourably compound for the same, as in some cases vpon reasonable cause shewed, they vse to do, which pardon being purchased, the purchasor is to hold his land still, 14. H. 6. 26. 50. Ass. p. 2. 1. E. 3. cap. 12. 34. E. 3. cap. 15. A Fine of pardon.

But the fine of a licence to alien lands holden in Capite, is, the third part of the yearely value thereof, 26. H. 8. Br. Alienation 29. Fine of a licence.

But if alienation of lands into Mortmain be made without licence, Mortmain.

the King may seise them as forfeited or escheated, Magna charta cap. 36. Westm 2. cap. 32. And for a licence thereof to be graunted, the fine thereupon to be paid, is the value of the land by three yeares, 26. H. 8. Br. Alienation 29.

Veriance. But variance betweene the licence and the fine is not materiall, if it be all one alienation, 32. H. 8. Br. Alienation 30.

Release. And it seemeth that a fine sur release or other releas, is none alienation, and therefore no fine due for the same, P. 37. H. 8. Br. Alienation 31.

Recoueries. But fines are payable, and licences to be sued vpon common Recoueries, 39. H. 6. 32. H. 8. ca. 1. 4. E. 3.

Will. Deuise by will is an alienation, 3. Ma. 1. Br. Alienation 37.

Of the Dedimus Potestatem to take cognizance of a fine.

Sect. 153. A Dedimus potestatem to take knowledge of a fine, is, as aforesaid, a writ Commissionall directed to one, or moe, giuing them power to take and certifie to the Iustices of the common Place, the cognizance of the Cognizees, when they cannot conueniently trauell to doe it in Court, and it ought to recite the substance of the Writ of Couenant, And beare Teste or date after it, Fitz. nat. fol. 146. g. The forme of the writ of Coũenant, and Dedimus potestatem, with the returnes thereof ensue:

The Writ of Couenant. Iacobus dei gratia, Angliæ, Scotiæ, Franciæ, et Hiberniæ Rex, fidei defensor &c. Vicecomiti Eborũ Salutem: Præcipe T. B. armig', et A. vxori eius quod iuste et sine dilatione teneant V. P. gener', conuencionem inter eos factam de manerio de T. cum pertinentijs: Ac de duobus messuagijs, cotagijs, quinque toftis, vno columbar', quinque gardinis, quinque pomarijs, centum et decem acris terræ, quinquaginta acris prati, quinquaginta acris pasturæ decem acris bosci, cent acris sampnarum & brueræ, quadraginta solidat' reddit', & communia pastur' pro omnimodis animalibus, cum pertinent' in W. et B. Et nisi fecerint, et prædictus W. fecerit te securum de clamore suo prosequend', tunc sumũ per bonos summonit prædict' T. et A. q' sint coram Iusticiarijs nostris apud Westmonasterium in Octab. Sancti Michaelis, ostensuri quare non fecerint, & habeas ibi sumũ & hoc breue T. &c. xiij. die N. anno regni nri &c.

Fine. And the fine thereof is entred vnder the writ, thus:

Pro vigint' solid' solut' firmar' fin' d'ni Regis virtute warrant' regij.

Indorsment. Then must the writ of Couenant be indorced thus:

Per E S. pro fine infrascr', q' alias' quod tenent' infrascr' non exec' val' libr' x. p annum.

E. S.

The Sheriffes Returne.

Pledg' de prof. Iohannes Doe.
Richardus Roo.

Summ̃ Iohannes Den.
Richardus Fen.

The Commiss. of Fines. W.L. T.W.
R. Eure armig' Vic'

The Dedimus potestatem thereof.

Iacobus Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, fidei defensor &c. Charissimo consanguin' nostro Gilberto Comiti Salop', ac prædilecto ac fideli nostro Ioh. militi domino D. Nechon dilect' & fidelibus suis G.S. militi, & C.C. militi, Ac dilecto nobis W. West. armig', Salutem: Cum breue nostr̃ de conuencione pendeat coram Iustic' nr̃is de banco, inter W.P. gen, & T.B. armiger, & Annam vxorem ejus, de mañrio de T. cum pertin: Ac de duobus messuag', tribus cotag', quing; tost, vno columbar, quinq; gardin, quinq; pomar, centum et decem acr' bie, quinquaginta acr' prati, quinquaginta acris pastur, decem acr' bosci, centum ac' iampnorum & bruerę, quadraginta solidat reddit, et communia pastur, p omnimodis animalibus cum pertin in W. & B. in Com Ebor, ad finem inde inter eos coram Iustic' nostris perfect' in banco p̃d' secundum legem & consuetudin' regni nostri Angl' tenend': Ac præfati T. & A. adeo impotentes sui existunt, q; absq; maximo corporũ suorum periculo vsq; Westm ad diem in dicto breui contentum, ad cognitiones, quæ in hac parte requiruntur, faciend', laborare non sufficiunt vt accepimus. Nos statum eorundem T. & A. compatientes in hac parte, dedimus vobis quatuor, tribus vel duobus vestrum, potestatem recipiend' cognitiones, quas idem T. & A. coram vobis, quatuor, tribus, vel duobus vestrum facere voluerint de premissis. Et ideo vobis, quatuor, tribus, vel duobus vestrum, mandamus quod ad præfat. T. & A. personaliter accedentes, cognitiones suas prædictas recipiatis, & cum eas receperitis, præfat Iustic' nostros inde sub sigillis vestris, quatuor, trium, vel duorum vestrum, distincte & aperte reddatis certiores, vt tunc finis ille inter partes prædictas de premissis coram Iustic' nostris predict' in banco predicto leuari possit, secundum legem & consuetudinem supradict', mittentes eisdem Iustic' hoc breue, teste meipso apud Westm 14 die N. Anno regni nostri secundo.

Gardi.

The name of the Cuctitor.

The said Dedimus potestatem must be indorsed thus; Per dominũ custod' magni sigilli Angel' ad instanc' peten.

The Lord Keepers name. The Iuſtice of the Circuit.

Io. Puckering Chancel'. Fr. Beaumont.

Return. Executio iſtius breuis patet in quad̃ ſchedula eid' annexa.

The Precipe and Concord which muſt be filed to the Dedimus poteſtatem.

Bre conuenc' *Ebor. ſſ.* PRecipe T. de P. armiger', & A. vxori eius, quod iuſte &c. teneant W. P. gen', conuencionem &c. de mañio de T. cum ptiñ: Ac de duobus meſſuag', tribus cotag', quinque toſt, vno columbar', quinq; gardiñ, quinq; pomar', centũ et decẽ acr' ter̃, quinquaginta acr' prati, quinquaginta acris paſtur', decem acr' boſci, centum acr' iampnorum & bruer̃, quadraginta ſolidat' reddit', et communia paſtur' p̃ omnimodis animalib' cum ptiñ in W. & B. Et niſi &c.

¶ Et eſt concordia talis, ſcilicet, quod prædict' T. & A. recognouer' prædict' manerium, columbare, tenementa, redditum, & communiam paſturæ cum pertinentijs eſſe ius ipſius W. vt illa qp̃e idem W. habet de dono p̃d̃ T. & A. Et illa remiſerunt & quiete clamauerunt de ipſis T. & A. & hered' ipſius T. p̃d' W. & heredibus ſuis imperpetuum. Et prẽterea ijdem T. & A. conceſſerunt pro ſe & hered' ipſius T. quod ipſi warrant' p̃d' W. & heredib' ſuis p̃dict' manerium, columbar', tenement', reddit' & communiam paſturæ cum pertinentijs, contra ſe & hered' & aſſigñ ipſius T. ac contra hered' & aſſigñ I. B. armig', ac contra omnes homines clamant' ſeu habent' aliquod ius, titulum, ſtatum, vſum, intereſſe, aut demand̃, de aut, in eiſdẽ manc', columbar', tenement', reddit', & communia paſtur' cum ptin', aut de, aut in, aliqua inde parcel' p̃, de, vel, ſub eiſdem T. & I. hered' vel aſſigñ ſuis, vel hered' ſeu aſſigñ eorum alterius: Et pro hac &c.

Capt' & cognit' apud K. in Com̃ Ebor', decimo nono die Ianuarij, Anno reg. Iacob. &c. ſecundo coram

The Commiſſioners names G. Skrew.
W. Weſt.
T. B.

The names of the parties A. B.

Dedimus poteſtatem ſuper breue de conſuetud' & ſeruitijs pro fine inde leuand',

Rex &c. dilecto & fideli ſuo R. H. vni Iuſtic' ſuorum de Banco, Salutem: Cum breue noſtrum de conſuetudinibus & ſeruitijs, pendeat coram vobis, & ſocijs veſtris Iuſtic' noſtris de banco, inter W. B. armigerum, & E. A. armigerum de conſuetudinibus & ſeruitijs, q̃ idem E.

eidem

eidem W. facere debet, de libero tenemento suo, quod de eo tenet in N. vt in homagijs, fidelitate, releuijs, & alijs, in Comitatu S. Nosq; ad petitionem predict' W. & E. licentiam nostram eis dederimus inde concordand', ac prefat' W. & E. adeo impotentes sui existant, q̄ absque maximo corporum suorum periculo, vsq; Westmonaster', ad diem in dicto breui nostro contentum, ad cognitiones, quę in hac parte requirunt, faciendas laborare non sufficient, vt accepimus, nos statui eorundem W. & E. compatientes in hac parte, dedimus vobis potestatem recipiendi cognitiones quas ijdem W. & E. coram vobis facere voluerint de p̄missis: Et ideo vobis mandamus, quod ad pręf. W. & E. personaliter accedentes, cognitiones suas præd' recipiatis: Et cum eas receperitis, præfatos socios vestros inde distinctè & aperte reddatis certiores, vt tunc finis ille inter partes p̄d' de premissis, coram vobis & socijs vestris predictis in banco præd', secundum legem & consuetudinem reg. nostri Angl' leuari possit. Et habeas ibi tunc hoc breue T. &c.

Of the Kings fines.

THe Kings fines is the fine which is paid vnto his Maiestie for his highnesse licence of Concord, which vpon writs of Conenant, betared after the rate following: That is to say for lands of the yearely

Sect. 134.

	Li. s. d.		Li. s. d.
	3. 6. 8.		0. 6. 8
	5. 6. 8.		0. 10. 0
	7. 13. 4.		0. 13. 4
	8. 13. 4.		0. 16. 8
	11. 0. 0.		1. 0. 0
value of	12. 0. 0.	is paid	1. 3. 4
	14. 6. 8.		1. 6. 8
	15. 6. 8.		1. 10. 0
	17. 13. 4		1. 13. 4
	18. 13. 4.		1. 16. 8
	20. 0. 0.		2. 0. 0
	22. 0. 0.		2. 3. 4
	24. 6. 8.		2. 6. 8.

Euery 5. markes and 20. shillings, payeth fine — 6. s. 8. d. From 5. markes and 20. s. vnto 5. markes, and 40. s. payeth — 10. s. And aboue 5. marks & 40 s. vnto 10. marks and 20. s. payeth — 13. s. 4. d. And in like proportion for all other fines.

And

And it is commonly entred by the Clerke of the Kings siluer, in this forme.

Entrie of the Kings siluer.

Ebor. ss. I.W. dat Reg. x. 3. pro licencia concordandi cum E.W. armiger & I. vxor eius, de placito conuentionis, de vno messuag', decem acr' terr', decem acr' prati, & decem acr' pasturæ, cum prin̄ in D. reciting the substance of the Writ. Et habent Cirographum per pacem admiss. coram R.W. vno Iusticiar' dni Reg. de banco, Iusticiar' in patria.

Obseruations necessary at the knowledge of Fines.

Sect. 155

The tytling of the note.

When a fine is to be knowledged, it is meet, that before the parties come before the Iudges or Commissioners, the titling of the writ of Couenant and Concord, be faire written, according to the parties minds, and duly examined, and also signed, or subscribed by all the Cognizors.

Knowledge of the Cognisos.

It is also requisite that either of the Cognizors be knowen to the Iustices or Commissioners, that must take the Cognisance thereof, or that some other credible person, knowen to him which taketh the cognisance, who knoweth the partie, be present: And doe sufficiently enforme the Iudge, that they be the selfe same parties, against whom the writ is brought: for some wil couenously knowledge fines in the name of others that be owners of the land, 34. H. 6. fol. 19.

Examination of Wiues.

And if a Feme couert be Cognisor, she must bee perswaded to yelde her consent and be fully agreed with, before she be examined, for in all cases, where a feme couert is to depart with any thing by fine, shee must bee examined by the Iustices or Commissioners that take the cognisance, and confesse that shee doth make cognisance freely, and not through feare or compulsion of any, before the cognisance will bee accepted. But where the she is to take benefit by a fine, she shall neuer be examined, 42. Ed. 3. 7. 3. H. 6. 42. 46. Ed. 3. 15. 8. H. 6. 2. 4. Ed. 3. 62. Statut de finibus 18. Ed. 2.

Value.

Also the yerely value of lands should bee set downe vnder the Concord, and some honest person which knoweth the land, brought thither

Oath.

to make oath for the value thereof: For without such oath, or composition the fine cannot passe.

Composition.

And composition with the Commissioners will not readily be made without oath, or some late fine, licence, or other matter of record, to informe the Commissioners of the value thereof. Which being done, the writ of couenant is againe there to be entred, & the fine thereof (if it be fineable) must there be paid to the receiuer, and the writ must be signed by the said Commissioners, & that done, the said writ must be sa-

lew,

led, and returned with the Concord and Dedimus potestatem, if ỹ cognisance was taken by Dedimus potestatem, and then the said writers must be taken out and signed by the Custos brevium, and thence they must be caried to the Clerke of the Kings siluer, who must take a note thereof for the entry of the K. siluer, and signe the same again, and then must they be deliuered to the Chirographer of fines, to be ingrossed and proclaimed. The examples whereof appeare in their apt places.

How, and when cognisances of fines must be certified, and what may hinder the same.

If they, which haue taken cognisance of a fine, will not certifie the same in conuenient time, a Cercior is to be awarded vnto them, comprehending the matter of the Dedim' potestat, and commanding them to certifie &c. which if they do not, there lieth against the Commissioners an Alias, Pluries, and Attachment &c. Fitz: nat br. 147. b. Sect. 156. Certificate.

But they are not bound to certifie such recognisances, but within the yeare after such caption thereof, but if they doe, it is good enough, 23. Eliz: ca: 3. And with euerie such certificat they must certifie the day and yeare wherein the same was knowledged, Thus, capt apud R. in com Ebor 20. die Octob. Anno reg' Iac' Regis &c. Time.

Else no Clerke or officer may receiue the same, but shall forfeit for euerie writ otherwise receiued v.li. 23. Eliz. cap. 3. If any of the parties to a fine die after recognisance thereof, & before it be certified, it ought not to be certified, 1. H. 7. 9. 33. H. 6. fo. 52. Dyer fo. 146. pl. 68. 7. El. Forfaiture.

But if such cognisance of a fine be certified, and the Kings siluer entred, the fine is good, and may afterwards be engrossed, though it be in another Terme, Thus: K. siluer.

Hæc est finalis concord facta &c. in crast' Pur beatę Marię, et postea concess. et recordat in quind Paschę, Dyer fo. 220. pl. 15. et f. 254. pl. 104

If the Iustice or Commissioner, that hath taken the knowledge of a fine, die before it be certified, their executors or administrators may certifie the note of the fine, to the Iustices of the Common place by writ of Cercior out of the Chancerie to them directed, 8. H. 4. 5. 1. H. 7. 9 Fitz: nat. br. fol. 147. b. The forme of which Certiorari is such. Iustice or commissioñ dieth.

Rex dilectę sibi B. W. vid. executrici testamenti T. W. nuper vnius Iustic' nr'orum de Banco salut, volentes certis causis certiorari sup quasdam cognitiones cuiusdam finis inf T. D. & I. G. de vno mess. cum pti in T. in com E. per prefat nuper Iustic' capt, ac in custodia tua ratione exec' testamenti pr'd existen vt dicit, tibi percipimus qd' cognitionem pd Iustic' nr'is apud West. sub sigillo tuo distincte et aptę fine. dilatione mittas, & hoc br'e, vt ijdem Iustic' vlterius ad finem illum leuand fieri fac' quod Certiorari exec' Iustic' sup cognitioñ finis.

quod de iure, et secundum legem et consuetudinem regni nostri Angliæ fuit faciend', T. &c.

Iustice discharged. In like maner, if a Iustice hauing taken cognisance of a fine, be discharged of his office, before he haue certified the same, he may not certifie it without a like writ, notwithstanding that he be restored to his place againe, 8.H.4.5. 1.H.7.9.

And thereupon it hath been vsed that a writ hath bin directed to the said Iustices to receiue the same cognisance, but I see no vse thereof at this day, F.N.147.b.

The Kings death. But if the King die after the cognisance taken, and before the certifying thereof, the Iustices cannot then certifie, Nam per mortem seu dimissionem regis, cessat potestas Iudicis, 1.H.7.9. yet learne, for I thinke the statute of 1.E.6.cap.7. doth remedie this mischiefe, for the words thereof be these in effect, viz.

By the death and demise of any King, no action, bill, or plaint that shal depend between partie and partie in any court of record, shalbe discontinued or put without day. But if the King die after the Kings siluer is entred, and before the fine be ingrossed, the writ of Couenant may be resummoned, and the fine ingrossed, 1.H.7.9.

Feme. If a feme sole by Dedimus potestatem, knowledge a fine, and before the returne thereof marrie, this fine may be certified and ingrossed as of a feme sole, because the taking of her husband after the fine knowledged is her owne voluntarie act, and such fine shall barre her and her heires for euer, Dyer fol.246.pl.68.Mich.7.& 8.Eliz.

Signed. Euery writ of Dedimus potestatem, to speciall Commissioners for the taking of the cognisance of fines, ought to be signed by the L. Chancellor, or L. Keeper, or chiefe Iustice of the common place, or the Iustice of the circuit where the land lyeth.

Of the inrolement of writs of Couenant, Dedimus potestatem, *and knowledges thereupon, which is termed the foot of the fine.*

d. possa, f.175.

Sect. 157 BEfore the ingrossing of the fine by the Chirographer, the writ of Couenant, the writ of Dedimus potestatem, with the knowledges and notes of the same, must be inrolled in a roll to be of record for euer, to remaine in the safe custodie of the chiefe Clerke of the common place (which is Custos breuium) and his successors, who must haue iij.d. for entring of the Concord, to the intent that if the notes of the fines in the custodie of the Chirographer be imbesselled, execution may be had vpon the said roll, 5.H.4.cap.14. Upon this roll the Proclamations are endorsed, and these notes are termed the foot of the fine, Dyer fol.311. pl.19. 15.Eliz.

Inrolement.

Custos brium Fee.

Imbesselling.

Proclamatiõs.

The foot of the Fine.

Of

Of the note of the fine.

THe note of the fine, is a note thereof made by the Chirographer before it be ingrossed, which beginneth thus: Sect. 158. The note of the fine.

Ebor. ff. Inter A.B. quer, et C.D. de fore de duobus messuagijs, duobus cotagijs, centum acr̃ terræ, quadraginta acr̃ prati, viginti acr̃ pasturæ, vna acr̃ bosci, octo acr̃ iampnor' & brueræ, & vno denario reddit̃ cum pertin̄ in A. vnde placit̃ conuenc̃ fuit inter eos &c. scz. quod p̄d C. recogn̄ tenta & redd̄ p̄d cum pertin̄ esse ius ipsius A. & concess. p̄se & hered' suis, q̄ p̄d tenta & redd' cum pertin̄, quæ p̄d G. & I. tenent ad termin̄ vitæ ipsius I. de hered' pred' C. die quo hæc concordia facta fuit, & quæ post decessum ipsius I. ad p̄d C. & heredes suos debuerunt reuerti, post decessum ipsius I. integre remanr̄ pred' A. & hered' suis remend' de capitalibus dominis feodi illius, per seruitia, quę ad præd'ct' tenta & reddit̃ pertinent, imperpetuum: Et, p hanc recogn', concessione, fine, & concordia, idem A. dedit p̄d B. 100. marcas sterl. Upon which note, before the ingrossing of the fine (if it bee of a remainder, reuersion, rent, or seignior) writs of Quid iuris clamat, per quæ tenuit, or, quem reddium reddit, must be sued as the case requireth, Plo. fol. 43. b 22. H. 6. 13.

Quid iuris clamat.

QVid iuris clamat, is a iudiciall writ, and issueth out of the Record of the fine, remaining in the keeping of the Custos brevium of the Common place, Plo. 43. b. before it be ingrossed, for after ingrossing, it cannot be had, Plo. fol. 431. b. 22. H. 6. 13. F. Nat. br. 147. a. which lieth for the grauntee of a reuersion or remainder, when the particular tenant will not attorne to enforce him to attorne, 22. H. 6. 13. Plo. 431. b And it is made in this forme. Sect. 159.

Rex vicecom̄ salutem. P̄cipi tibi quod venire facias coram Iustic' nr̄is &c. tali die G. & A. vxorem eius, ad cognoscendum quid iuris clamant in vno messuag', & decem bouatis terræ cum pertin̄ in B. quę tenta cum ptin̄ M. quæ fuit vxor G. in Cur' nostra &c. concessit A. de B. per finem ibi inde inter eos factum. Et habeas &c. Summons.

And the final cause of this writ of Quid iuris clamat is, that ỹ grantee or cognisee of the reuersion or remainder, may by that attornment of the particular tenant, be enabled (if cause be giuen) to bring an action of waste, or, to auow for rent reserued, or arrices behind, which hee cannot doe without attournment, Plo. fol. 431. b. 22. H. 6. 13.

Tenant in dower shall attorne though the writ suppose her to be tenant for life, because she claimeth no greater estate then franktenement Hil. 31. E. 3. Fitz. Quid iuris clam. 3. yet it seemeth she thereby loseth her warrantie, and aduantage to be newly endowed, if she be euicted, 10. E. 3. Tenant in dower.

E. 3. Fitz. Quid iuris clamat &c. 2

Briefe

If a gift be for life, the remainder for life, the writ muſt mention the remainder, Hill' 3. E. 3. Fitz. Fines 9.

It is meet therefore to learne who are compellable hereby to atturne, and who not, and by whom.

What perſons may obtaine atturnment by Quid iuris clamat, *and what not.*

Sect. 160

Grauntee de reuerſion, Infant

THe grantee of a reuerſion doth of impediments, 34. H. 6. b. Fitz. br. fol. 168. b. Fitz. nat. br. 147. a

But an Infant cannot, becauſe if a leaſe for life without impeachment of waſte be pleaded in barre, he cannot conſeſſe it, 43. E. 3. 5. contra 23. E. 3. Fitz. Quid iuris &c. 42.

Nothing in the reuerſion

If the cogniſor haue nothing in the reuerſion, the tenant ſhall not atturne, Lib. Inſ. fol. 536.

Feme couert,

A feme couert without her huſband, albeit the fine was leuied when ſhe was ſole, 11. H. 4. 17.

Diuers

If there be diuers pleas, and one die hanging the plea, yet ſhall the tenant atturne to the reſt, 48. E. 3. 32

Diuers

Or if diuers ſue the writ, and one be nonſuit, yet atturnment ſhalbe vnto the other without ſummons ſ ſeuering of the other, 46. Ed. 3. 32.

Abbot

Abbot intra ætatem dum ten per vic ſans aſſe licence, & neſt forfeiture, 17. E. 3. 7.

Diſſeiſor

If cogniſee diſſeiſe the tenant of part, he ſhall haue no attournment 19. E. 2. Fitz. Quid iuris &c. 46.

What perſons be compellable to atturne by Quid iuris clamat, *and what not.*

Sect. 161

T. for life

Feme couert

THe writ of Quid iuris clamat, lyeth againſt the particular tenant of the land for life, 34. H. 6. b. Nat. br. fol. 168. b. Fitz. nat. fol. 147. a 49. h. though he be but a tenant for life of land holden in Capite, or a feme couert, 45. E. 3. 11.

T. for yeares

And a tenant for yeares ſhall atturne, 3. H. 4. 3.

T. in taile

But tenant in taile is not compellable becauſe of the eſtate of inheritance which is in him, 38. E. 3. 20.

T. in taile after poſſ.

Nor tenant in taile, after poſſibilitie of iſſue, extinct for the inheritance which was once in him, 43. E. 3. 1. 46. E. 3. 13. & 27.

T. for life of lands in capite

A particular tenant of lands holden in Capite, is not compellable to atturne without ſight of licence of alienation, leſt his lands ſhould bee ſubiect to a fine for the alienation without licence, 45. E. 3. 6.

Executors.

If A. and B. haue an eſtate for ten yeres, as executors, and B. haue fine

fiue yeares in reuerſion in his owne right, he muſt atturne, becauſe he is poſſeſſed of the whole terme, and the atturnement of one executor of a terme is good enough, 32.E.3. Fitz. Quid iuris clam 5 p Stanhoppe.

But if A. leaſe to B. and C. for vi. yeres, and after confirm the eſtate of B. for life, the note of the fine ſhall make mention of B. onely, p Seton, 32.E.3. Fitz. Quid iuris clam 5. T. pur vie oue A. pur ans.

If tenant in Dower, or by curteſie, grant their eſtate, yet the Quid iuris clam lyeth againſt them, for none but they can be tenant in dower, or by the curteſie, 18.E.3.5. T. Dower. T. Courteſie.

If a leaſe for yeares with liuerie, be vpon condition, that if the leſſee pay x.li. ſuch a day, or the leſſor die within the terme, he ſhal haue fee: If before the day the leſſor alien by fine, this tenant ſhall atturne (Saluis aduantagijs) And yet if he pay the ten pound at the day, or the leſſor die during the terme, the leſſee ſhall haue fee, 6.R.2. Fitz. Quid iuris clamat 20. T. for yeares vpō condition.

If a Quid iuris clamat be againſt tenant, as tenants in common, he which appeareth muſt atturne, if he plead not that they are ioint tenants, 16.E.2. Fitz. Quid iuris clam 21. Vers T. in commen.

If a particular tenant grant ouer his eſtate after the note leuied, yet muſt he atturne, 17.E.2. Fitz. Quid iuris clam 15. After aſſignement.

If the tenant atturne once vpon the graunt of the cogniſor, he ſhall atturne no more, 4.E.2. Fitz. Quid iuris clam 45. Once attorne.

If a ioynt tenant, or tenant in common of a reuerſion, graunt his part by fine, the particular tenant ſhall not be compelled to atturne, 5.E.3. Fitz. Quid iuris clam 40. Ioint Tenant. Tenant in commen.

Vpon a leaſe for life vpon condition, that if the leſſee die within x. yeres, that his executors, adminiſtrators, or aſſignes, ſhall hold vnto the end of xx. yeres, the leſſor ſhal atturne as tenant for life, with protestation to ſaue his intereſt, 10.E.3. 20.E.2. Fitz. Quid iuris clam 21. 33. Tenant for life vpō condition.

If the reuerſion of two ioint tenants for life be granted by fine, ſuppoſing the one to be ſole tenant, the tenant is not compellable to atturn 32.E.3. Fitz. Quid iuris clam 5 per totam. Ioint tenant of a reuerſion.

But tenant by ſtatute or Elegit, ſeemeth not compellable to atturne, becauſe the cogniſor can not compell him to accompt, and he may hold the lands after his ſumme ſatisfied, vntill he haue leuied his damages, 6.E.3.251. Fitz. Fines 90. 8.E.3. Fitz. Quid iuris clam 47. T. by Elegit.

Nor a tenant for life, where the husband ſole is cogniſor of his wifes land: for if he doe atturne, the wife ſurviuing her husband may enter for forfeiture, 17.E.3. Baron ſole cogniſor.

And a Clerke, which hath no lay fee, is not compelled to atturne, 38.E.3.28. A Clarke.

Nor a tenant for life in reuerſion or remainder, 9.H.6.b. Reuerſion.

Nor

Frankmariage. Nor tenant in frankmariage, Lib. inn. Quid iuris clamat 11.

Infant. Nor an Infant, 43. E. 3.

Ideot. Nor a Lunatike, madman, or Ideot, as it seemeth, because of their disabilities.

But attournement made by such persons, is auoidable, but not compellable to attourne, is good, 12. E. 4. Nor. Br. folio 70. D.

with exceptiõ. And an attournement may be with an exception, if he tenant haue a lease for life without impeachment of waste, as he may attourne saluing his aduantage, and it shall be so entred, 45. E. 3. 11. 24. E. 3.

Couenants. If the tenant haue couenants to repaire &c. 48. E. 3. 32. Or haue an

Annuitie. Annuitie out of the land, 48. E. 3. 32. Or couenant of warrantie or ac-

warrantie. quitaile, 41. E. 3. 18. Or to fell trees, he may attourne, saluing these aduantages.

Acquitall.

Graunt. If A. seised of lands in fee, thereof infeoffe B. to the vse of the said A. for life, and after to the vse of his executors and assignes for xx. yeres after his death: And then to the vse of C. in fee, Quere, if A. shall be compelled to attourne in Quid iuris clamat, supposing him tenant for life only, and not mentioning the terme, without saluing of his terme by protestation, Dyer fol. 300. pl. 27. 14. Eliz.

Remainder in fee.

No view lyeth in Quid iuris clamat, 15. E. 4. 28.

What plees will barre the plaintife of attournement.

Sect. 162. If the tenant pleade that he is seised in fee the day of the note leuied without that, that he was then seised for life, without shewing how he is so seised, 15. E. 4. 28. 1. H. 7. 27.

Seisin in fee.

The cognisor had nothing. Or if the tenant for life plede, that before the fine, an estranger was seised in fee, and released vnto him in fee, without that, that the cognisor had any thing in the lands, the day of the note leuied, 3. H. 4. 3.

Nontenure. If a particular tenant plede, he holdeth not of the cognisor the day of the note leuied, he must shew what estate he claimeth, & from whom, 3. E. 3. 16. Fitz. Quid iuris clamat 6. 24. E. 3. Fitz. Quid iuris 9.

Seisin in fee. But if he claime fee, he shall not shew how, 24. E. 3. 5. Fitz. Fines 7. but trauerse that he holdeth for life, 1. H. 7. 19.

Seisie de tali statu qual' &c. Lesse for xxi. yeares vpon condition, that if the lesor alien within the terme, he shal haue fee, cannot alleage that, and say that he claimeth estate according to the tenour of his deed, but must plede his estate certainly, 2. Ed. Fitz. Quid iuris clamat 38.

For parcell. If the tenant confesse for part, and plede a plee which may defeit his estate therein, he must attorne by and by, 11. H. 4. 57. Contra 21. E. 3. 18. Fitz. Fines 33.

Release. Release of the cognisor before the cognisance, to the heire, or his ancestors in fee, is a good barre, 44. E. 3. 34.

If

If leſſée pur ans claime pur vie, & faile de ceo, il forfeit ſon terme, 6. R. 2. Fitz. Quid iur 20. Plesingtons caſe. Forfeiture per t. pur ans.

What proceſſe lie in a Quid iuris clamat.

The proceſſe in a Quid iuris clamat, is ſummons and diſtreſſe infinite, Natur.br. 169.a. but if the tenant appeare, and pleade no good barre, and yet will not atturn, he ſhal be impriſoned, 37. H. 6. 14. Sect. 163 Proceſſe. Correction.

But if the tenant diſclaime, and if it be found againſt him, hee ſhall atturne, 4. E. 3. 27. Diſclaimer.

But if the tenant for life, yeares, in dower, by curteſie, or ertent, by plea claime fée, or fée taile, and it be found otherwiſe, hee dooth forfeit his eſtate, 15. E. 4. 28. Natur. br. fol. 168. b.

And the tenant may atturne by Dedimus poteſtatem, the forme whereof enſueth, Regiſt. 167. b. Att. by De. Po.

Rex dilecto & fideli ſuo I. M. militi &c. Cum breue noſtrum de conuencione pendeat coram vobis et ſocijs veſtris iuſticiarijs noſtris de banco, inter R. et P. de centum acris &c. quas I. tenet ad vitam ſuam de prefato P. ad finem inde inter præfatos R. et P. ſecundum legem et conſuetudin' regni noſtri Angl' leuand', per qd. vicecomiti noſtro Noff. p breue noſtrum mandauimus, q venire faciat coram prefatis iuſticiarijs noſtris p̃dictum I. ad diem in breui illo contentum, ad cognoſcendū quid iur clamat habere in terra prædicta, ac pref. I. adeo impotens ſui exiſtat q vſque bancum predict', ad diem ſibi datum abſque maximo corporis ſui periculo laborare non ſufficit, ad cognoſcend quid iuris clamat habere in terra p̃d: Nos ſtatui ipſius I. compatientes in hac parte dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum q̃ pref. I. coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, q ad p̃f. I. perſonaliter accedentes, cognitionem quam coram vobis in hac parte facere voluerit, recipiatis: Et cum eam receperitis, et ipſe coram vobis, prout moris eſt, ſe atturnauerit, pred̃ ſocios veſtros de cognitione pred̃ diſtinct̃ et aperte certificetis, pred' atturnamentum teſtificantes, vt finis ille inter partes p̃d' de terra pred' coram vobis & ſocijs veſtris predic' in banco predicto leuari poſſit, ſecundum legem & conſuetudinem ſupradictas. Et habeatis &c.

By default appearance Diſtring' ad atturnand' ſhall be awarded, 2. E. 3. 9. Default.

Nonſuit in Quid iuris clam̃, is not peremptory: 18. E. 3. 6. Fitz. Quid iur 27. 24. E. 3. Fitz. quid &c. 39. Nonſuit.

The writ of Summons in Quid iuris clamat, is after this manner.

IAcobus dei gratia &c. vic' Eboř ſalutem: Pr̃ tibi, quod venire fac' coram Iuſtic' noſtris de banc. à die. Paſchæ in xv. dies, A. B. ad cognoſcend Sect. 164. Summons.

noſcend' quid iuſ' clam' in vno meſſuagio, et decem acr' terr', cum pertin' in B. quæ M.N. in cuſ' noſtra &c. conceſſit C. D. per finem ibi inde inter eos factum, et habeas ibi. T. &c. Upon which writ none eſſoine lyeth, 9.H.6.22.33.H.6.5.

Eſſoine.

At the return of which writ, the Sheriffe doth return him ſummoned, thus endorced vpon the back of the writ.

1. Pleg. infra nominat A.B. { I. P. / R. L. } E. R. vic'.

And if the pl' appeare, and the tenant make default, the entrie is thus: Pr̃ fuit vic' Eb quod venire fac' hic à die Paſch. in xv. dies, A. B. ad cogn̄ quid iuſ' clam' in vno meſuagio &c. cum pertin' in B. quæ M. N. in cuſ' Reg. hic conceſſit C.D. per finem hic inde inter eos factū: Et modo ad hunc diem veñ p̄d' C. per H. I. atſ' ſuū, & pred' A.B. non ven' et manucapt' fuit per I. M. & R. L.

Default.

Ideo ipſe in omnia &c. Et pr̃ eſt q̄ diſtr' eum per omnes terr' et catalla ſua &c. Et q̄ de exitib' &c. Et q̄ habeat corpus eius hic a die ſ. trin' in 3. ſept', ad cogn̄ in form' pred' &c. Et idem dies datur pred' C. hic &c.

Diſtreſſe.

At the returne hereof none Eſſoine lieth, becauſe it is Judiciall, 9. H. 6. 22. 33. H. 6. 5.

Eſſoine.

The diſtreſſe in Quid iuris clamat.

Iacobus dei gratia &c. vic' Eborꝫ ſalutem: Pr̃ tibi, qd. diſtr' A. B. per omnes terr' et catalla ſua in balliua tua. Ita quod nec ipſe. nec aliquis per ipſum, eis manum apponat, donec aliud a nobis inde habueris p̄ceptum et qd. de exitibus eorundem nobis reſpondeas, ita quod habeas corp' eius corā Iuſtic' noſtris apud Weſt, a die ſanc' Trinit' in tres ſept' ad cognoſcend' Quid iuris clamat in vno meſſuagio &c. cum pertin in B. quæ M.N. in cuſ' nr̃a coram Iuſti' nr̃is apud W. conceſsit. C.D. p̄ finem inde ibid' inter eos factam, et ad audiend' inde iudicium ſuum pro pluribus defaltis. Et habeas ibi hoc breue. Teſte &c.

If at the day of the returne hereof the parties appeare, the entry is thus:

Alias, prout patet termino S. Trinitatis vltimo prætcrito, Rot 60. cōtinetur ſic, ſſ. Pr̃ fuit vic' E. quod diſtr' A. B. per omnes &c. *vt ſupra* in breui inde, vntill (& ad audiendum &c.) And then, Et modo hic ad hunc diem veñ tam p̄d' C.D. p̄ atturn̄ ſuum pred', quam pred' A.B. in propria perſona ſua, & ſuper hoc idem E. B. petit audir' breuis pred', et ei legitur, petit etiam auditum note vnde breue pred' emanauit, et ei legitur in hæc verba. E. ſſ. inter C.D. querent' &c. as the note is: And then if the tenant will atturne generally, the entry further is: Qua audita & intellecta, idem A.B. dicit, quod ipſe clamat tenere predict' meſſua-

Atturnment generall.

meſſuagium &c. ad terminum vitę ſuę, prout per notam predictam ſupponitur, quodque ipſe paratus eſt ſe præfat C.D. inde atturnare, & ſe ei in Curia hic inde attornauit, & recogñ &c. Et fecit fidelitatem: ideo finis inde ingroſſetur.

Or if atturnment be made out of the Court, the cogniſee may informe the Court thereof, and at his ſuit then this entrie ſhall be, videlicet.

Et modo hic ad hunc diem venit predictus C. D. in propria perſona ſua, & dicit quod prædictus A.B. atturnauit ei inde in propria perſona, & petit quod finis inde ſuo periculo ingroſſetur, ideo finis periculo ſuo ingroſſetur &c.

But if the cogniſee appeare, and will atturne ſpecially, it may be done in this maner, viz. Præ' fuit &c. vt ſupra. Reciting the Proceſſe, and the tenant demanding and hauing Oyer of the Writ, and note of the Fine, he may pleade thus, viz. Atturnement ſpeciall.

Et ſupra hoc, idem A. dicit, quod ipſe tenet tenementa prædict' cum pertinentijs ad terminum vitę ſuæ, ex dimiſſione M. N. per quandam chartam ſuam indentatam, Cuius alteram partem ſigillis prædict' M.N. ſignat idem A. hic in Curia profert, cuius tenor ſequitur in hæc verba. *This Indenture made &c.* rehearſing the whole Indenture, & ſaluis ſibi omnibus aduantagijs & condicionibus ſcript' pred', dic', quod ipſe paratus eſt præfat C. D. de tenementis prędictis, virtute notæ prædict' atturnare. Et prædict' C.D. non cogn' ſcript' prędict' dic', quod ex quo idem A.B. tenet tenementa prædict' cum pertinentijs, ex dimiſſione prędict' M. N. ſecundum vim & effectum notę prædict', petit quod idem A.B. ſe inde ei atturnet &c. Et prædictus A.B. dic' quod, ſaluis ſibi omnibus aduantagijs & beneficio ſcripti prædicti, paratus eſt ſe inde eidem C. D. de tenementis prędictis atturnare &c. Et poſtmodo idem A.B. ſaluis ſibi aduantagijs ſcripti prædicti, ſe præfat C. D. hic in Curia atturñ, & cogñ &c. Et fecit ei fidelitatem &c. Ideo finis inde ingroſſ. &c.

But if the tenant will plead in Bar, he may doe it thus, if he be tenant in frankemariage, Præ' fuit &c. *vt ſupra.* Barre.

Et prædictus A. C. dicit, q̄ quidam P.N. pater p̄d M. N. cuius hęres ipſe eſt &c. per chartam ſuam dedit tenenḍ p̄d cum pertiñ eidem A. B. in libero maritagio cum E. filia ſua, ſaluand ſibi reuerſionem &c. qui quidem E. obijt ſine exit̄ de corpore ſuo procreat. Et ſic dicit q̄ ipſe tenet tenementa p̄d. per formam charte p̄d, Et q̄ reuerc' inde poſt mortem ſuam ſpectat ad p̄d R.M. & petit iudicium ſi ipſe de tali ſtatu ſuo ſe alicui inde atturnare debet &c. & profert hic in curiam chartam p̄d, quod donū p̄d in forma p̄d teſtatur &c. Et p̄d C.D. dicit, quod dic. quo nota finis p̄d leuauit, ſcilicet 9. die &c. p̄d A. tenet p̄d tenḍ ad terminum vitæ ſuæ Done in frankmariage.

prout per notam ꝓd̃ supponitur, absq; hoc quod ipse tunc tenuit tenementa ꝓd̃ in liberum maritagium, prout ipse superius allegauit. Et hoc petit quod &c. Ideo 12. &c.

Of thus if the tenant claime fee: or be not tenant.

Quibus lectis, idem A.B. dic', quod ipse, virtute notæ ꝓd̃, se ꝓf. C.D. attturnare non debet, quia quod vnum mess. &c. quę sunt in ꝓd̃ villa de S. de tenemẽtis ꝓd̃ in nota ꝓd̃ contentis, idem A.B. dicit, ꝙ ipse, tempore leuationis notæ illius, fuit scisitus de predicto messuagio &c. in dominico suo vt de feodo, ex dono et feoffamento cuiusd̃ L.T. sibi inde facto: Absque hoc, quod ipse tempore leuationis notę illius, tenuit medietatem illam ad terminum vitæ tantum, prout per notam illam supponitur. Et hoc &c. vnde petit iudicium, si ipse, virtute notæ ꝓd̃ se preſat̃ C.D. de ꝓd̃ messuagijs &c. attturnare debet &c. Et quoad tenemẽta ꝓd̃, residua tenementorum in nota predict' contentorum, idem A.B. dicit, ꝙ ipse, nec tempore leuationis notæ predict', nec vnquam postea tenuit eadem tenementa, imo quod, W.A. qui adhuc in vita exiſtit, ad tunc fuit inde tenens, vt de libero tenemẽto suo, & adhuc exiſtit. Et hoc &c. vnde &c. *vt supra.*

Et prędictus C.D. dicit, quod ipse ab Attorn̄ præd' A.B. virtute notę prædict' habend' præludi non debet, quia quoad pred' messuag' in L. pred', idem C.D. dicit, quod predictus A.B. tempore leuationis notę illius, tenuit messuag' illud cum pertinentijs ad terminum vitę suę tantũ, prout ꝑ notam illam supponitur. Et hoc petit ꝙ &c. Et ꝑ dict' A.B. similiter: Et quoad tenementa ꝓd̃ residua dicit, ꝙ tempore leuationis notæ ꝓd̃, predict' A.B. fuit tenens eorundem ad terminum vitæ suæ, prout ꝑ notam illam supponitur. Et hoc paratus &c. vnde petit iudicium & qd̃ pred' A.B. se inde attturnet.

Et prædictus A.B. dicit quod ipse, tempore leuationis notę pred̃, non fuit tenens predictor̄ residuorũ tenementorum ad termin' vitę suę, prut &c. Et de hoc &c. Ideo 12. &c.

Of thus where the Cognisor hath nothing in the reuersion.

Pl' fuit Vic' E &c. *vt supra.* Quibus lectis et auditis, idem A.B. dicit quod ipse virtute notæ pred', se ꝓf. C.D. attturnare non debet, quia dicit, quod pred' M.N. qui recognouit tenementa prædicta cum pertin' esse sua ipsius C.D. &c. nihil habuit in Reuersione eorundem tenentor̄ cum pertinentijs, tempore leuationis notæ pred̃, Et hoc paratus est verificare vnde petit &c. *vt supra.*

Et predictus C.D. dicit, quod prædict' A.B. tempore leuationis notæ predictę, scil. in octabis Sancti Hillar &c. tenuit tenementa prædict' cum pertinentijs ad terminum vitæ suæ, Reuersione inde post eius mortem pręf. M.N. qui recogn' &c. & hered' suos spectant', prout per notam prædict' supponitur, Et hoc petit quod inquiratur per patriam.

Et

Et prædictus A. B. similiter. Ideo &c.

But if the tenant claime an estate Taile by deuise thus:

Quibus lectis & auditis &c. idem A.B. dicit qđ ipse, virtute notæ illius, se præf. C.D. de tenementis p̃dict atturnare non debet, quia dicit, qđ ante quam pred' M.N. aliquid habuit in teñtis prædictis cum pertinentijs, quidam I.E. fuit seisitus de deñtis prædict' in dñico suo vt de feodo, quodquæ eadem teñta cum pertiñ tenentur, & tempore leuationis notæ p̃dictę tenebantur de W.S. in socagio per fidelitatem ei &c. idemque I. sic inde seisitus existens, primo die Maij vltiñ p̃terito condidit testam̃ & vltimam voluntatem suam in scriptis, & per eadem legauit prefat A. B. teñta predict' per nomina &c. habend sibi et hered de corpore suo legitime p̃creat: Et postea ibm̃ obijt, post cuius mortem predict' A.B. in tenementa predict' cum pertin' intrauit, et fuit inde seisitus in dominico suo vt de feodo talliato, viz. sibi et hered per formam statui et vltiñ voluntatis prædict'. Et hoc &c. vnde &c.

Et predictus C. D. dicit, quod ipse, per aliqua preallegata ab atturnamento prædict' A.B. virtute notæ prædict' præcludi non debet, quia dicit quod bene et verum est, quod predict I. E. fuit seisitus vt supra, p̃ut in breui prædict' superius allegatur: Sed idem C. D. dicit qđ idē I.E. per idem testamentum et vltimam voluntatem suam, inter alia legauit tenementa predict' cum pertinentijs &c. per nomina predict', pref. A.B. p̃ termino vitæ suæ, Et postea idem I. E. obijt, post cuius quidē I.E. mortem idem A. B. in tenememta prædict' cum pertinentijs intrauit, & fuit inde seisitus in dominico suo vt de libero tenemento per formam testamenti & vltimæ voluntatis prędict, Absque hoc, quod idē I.E. per testament & vltimam voluntatem suam prædict' legauit præf. A.B. &c. *vt supra*, prout predict' A. B. superius allegauit. Et hoc &c. vnde &c. Et predict' A.B. vt prius dicit &c. (*vt supra in breui*) p̃ut ipse superius allegauit. Et de hoc. &c.

The tenant may atturne for parcell excepting the rest, and pleade thereunto.

Et modo ad hunc diem hic in curia venit, tam predictus E.I. per W. W. Atturnatum suum, quam prædict' I.E. in propria persona sua, et sup hoc predict' E.I. per atturnatum suum pred' petijt, quod p̃d I.E. ei inde atturnet &c. Et predict' I.E. petit auditum breuis prædict' & ei legitur &c. Petit etiam auditum notæ finis vnde br̃e prędict emanauit & ei legitur in hæc verba: Inter R. querentem, & P. deforciant &c. rehearsing the whole note. Quibus lectis & auditis, idem I.E. quoad teñt p̃dicta exceptis decem acris in D. inde parcel', dicit quod ipse parat' est p̃fato R. inde atturnare, Et se ei in curia hic atturn' de teñtis prædictis, exceptis pred' decem acris terrę, Et cogñ &c. & fecit fidelitatem &c. Et quoad predt decem acras terræ in D. idem I.E. dicit quod ipse, tem-

Atturnment for part, and plea to the rest,

pore leuationis notæ p̄dict fuit ſeiſitus de eiſdem x. acris terræ, cum pertin in dñico ſuo vt de feodo, abſque hoc q̄ ipſe p̄d̄ tempore leuationis notæ pred', eaſdem x. acris terræ cum pertin' tenuit ad termino vitæ tantum put &c. Ideo finis inde ingroſſetur. Dyer fol. 212. p. 35. 4. Eliz.

And when the tenant doth atturne, the note of the fine is to be deliuered to the Chirographer: And then it muſt be written vpon the backe ſide of the ſame note ouerthwart, theſe words.

Infrauoīat A. B. attornauit ſe infraſcript̄ C. D. virtute huius notæ, put parte Trin' 39. Eliz. Rot. 9.

Atturney in Quid iuris clamat.

Sect. 165

VPon ſuch a plea pleaded, that the tenant may forfeite his eſtate, he may make an atturney, 21. E. 3. 48.

Or if the tenant ſuggeſt in Chancerie, that he will pleade ſo as hee forfeit his eſtate, he may make atturney by Ded. pot. in forme following.

Iacob' dei gratia &c. dilecto et fideli ſuo Fr. B. &c. cum br̄e noſtrum de conuen' pendeat coram vobis et ſocijs viris Iuſticiarijs noſtris de bāco, inter R. et P. de centū act̄ &c. quas I. tenet ad vitam ſuā de pref. B. ad finem inde inter pref. R. et P. ſecund̄ legem et conſuetudinem regni n̄ri Angl' leuand̄, p q̄ vic' n̄ro Eborū p breue noſtrū mandauim' q̄ venire fac' coram p̄fatis Iuſtic' noſtris, p̄d̄ I. ad diem in breui illo cōtentum, ād cognoſcencend̄ quid iuris clamat habere in tra p̄d̄, Et ex parte dicti I. datum eſt nobis intelligi, q̄ ipſe ſup finem p̄d̄ atturnare nō debet, eo q̄ ante leuationē notæ finis p̄d̄, quidam S. exiſten ſeiſit' de tra illa in dñico ſuo vt de feod', illam dedit p̄f. I. et herēd̄ de corpore ſuo, Et ipſe ad diem ſibi datū in banco p̄d̄ materiam illam ad bre. p̄d̄ placitabit. Et tamen adeo impotent eſt et ſenio confectus, q̄ vſque bancū p̄d̄ ad diē ſibi datū, abſq; max' corporis ſui periculo, laborare non ſufficit ad placitād̄ placitum illud, nos ſtatui eiuſdem I. compatientes in hac p̄te, dedimus vobis poteſtatem recipiend' atturnat̄, quem coram vobis in loco ſuo atturnare voluerit in hac parte, ad lucrandum vel perdendum, Et ideo vobis mandam' q̄ ad p̄f. I. perſonaliter accedent̄, atturnat̄, quem loco ſuo atturnare voluerit in hac parte, recipiatis, & de nomine eiuſdem atturnati, nobis in cancellaria noſtra, ſub ſigillo veſtro, diſtinctè et aperte conſtare faciatis, remittentes nobis hoc breue. Teſte meipſo &c.

The returne of the ſame.

I. ponit loco ſuo A. B. atturnatum ſuum verſus R. in placito in quid iuris clamat, ad lucrandum vel perpendum.

An atturnment by Dedimus poteſtatem.

And as the tenant may make an atturney by Dedimus poteſtatem, ſo he may atturne, The forme whereof followeth:

Rex

Rex dilecto & fideli ſuo I.& M.ſalutem, Cum breue noſtr̄ de conuentione pendeat coram vobis & ſocijs veſtris iuſticiarijs noſtris de banco, inter R. & P. de centum acris &c. quas I. tenet ad vitam ſuam de prefato P. ad finem inde inter prefatos R. & P. ſecundum legem & conſuetudiñ regni nr̄i Angl'leuand, per q̄ vicetomiti nr̄o Norff. p breue noſtrum mandauimus, q̄ venire faciat coram prefatis iuſticiarijs nr̄is p̄d I. ad diem in breui illo content̄, ad cognoſcendum quid iuris clamat habere in terra p̄d, ac præf. I. adeo impotens ſui ixiſtat, q̄ vſque bancum p̄d ad diem ſibi datum, abſque maximo corporis ſui periculo laborare non ſufficit, ad cognoſcend̄ quid iuris clamat habere in terra p̄d: Nos ſtatui ipſius I. compatientes in hac parte: dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum, quæ præf. I. coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, q̄ ad præf. I. perſonaliter accedentes, cognitionem quam coram vobis in hac parte facere voluerit, recipiatis: Et cum eam reciperitis, & ipſe coram vobis, prout moris eſt, ſe atturnauerit, p̄d ſocios veſtros de cognitione p̄d diſtinctè & aperte certificetis, p̄d atturnamentum teſtificantes, vt finis ille inter partes q̄d, de terra p̄d, coram vobis & ſocijs veſtris p̄d, in banco p̄d leuari poſſit, ſecund' legem & conſuetudinem ſupradict'. Et habeatis &c.

After iſſue ioyned, the tenant may be eſſoined thus:

Ebor. ff. A. B. verſ. C. D. in placito quid iuris clamat in vno meſſuagio &c. vnde iur̄ per W. C. in quindena Hill' &c.

If the iſſue be found with the plaintife, the iudgement is in this foꝛme. Iudgement.

Et ſuper hoc, viſis premiſſis, & per iuſticiarios plenius intellectis, conſiderat̄ eſt, q̄ p̄d C. D. pro ſeiſina, de ten̄ p̄d cum pertinentijs, verſus p̄f. A. B. occaſione clam̄ & placiti p̄d. forisfact' habend (ſi voluerit) proſequatur, ac etiam, q̄ finis p̄d, ſi voluerit, ingroſſetur, & p̄d A. B. in miſericordia &c.

But atturnments entred vpon recoꝛd, beꝛoꝛe the partie mentioned to atturne, doe firſt appeare in Court in perſon, oꝛ by atturney, warranted by the hand of one of the Juſtices of the one Bench oꝛ of the other, oꝛ one Juſtice of Aſſiſe vpon a Writ of Quid iuris clamat, quem redit redd., oꝛ per quæ ſeruitia, as the caſe requireth, is void without Writ of Etroꝛ, 23. Eliz. c. 3.

Upon which iudgement the cogniſee may haue execution by habere facias ſeiſinam in this foꝛme:

Rex, vic' Ebor̄ ſalutem: Sciatis quod, cum C. D. in Curia nr̄a coram iuſticiarijs nr̄is apud W. per conſiderationem eiuſd̄ Curię, recuperauit ſeiſinam ſuam verſus A. B. de vno meſſuagio cum pertinen̄ in L. q̄ M. N. in eadem Curia conceſſit prefato C. D. per finem inde inter eos factum, ideo tibi precipimus, quod eidem C. D. plenariā ſeiſinam de meſſuagio

p̄d cum pertinen̄ sine dilacion' habere facias,& quid inde feceritis,scire facias prefatis Iusticiarijs nostr̄ apud W. in Octabis S. Martini,& habeas ibi hoc breue T. &c.

Distringas ad atturnandum.

And vpon the iudgement to atturne, doth issue a Distringas ad atturnand̄,after this maner.

Iacobus Dei gratia &c. vic' salutem. P̄ tibi quod distringas A.B. per omnes terras &c. Ita quod sit coram Iustic' nostris de banco ad atturnād C.D. in placito de quid iuris clamat in vno mess. cum pertinen' in L. quod M.N. in Curia nostra &c. concess. prefato C.D. per finem inde int̄ eos factum. Et vnde consideratum est in eadem Curia,q̄ p̄d A.B. se pref. C.D. inde atturn̄. Et habeas ibi hoc breue. Teste &c.

Quem redditum reddit.

Sect. 166

HAuing thus perused the Writ of Quid iuris clamat, in euerie circumstance, wee are now in like manner to peruse the Writ of Quem redd̄ reddit.

Definition

The Writ of Quem redd̄ reddit, is a Writ iudicial, and issueth out of the note of the fine against the tenant of the land, to compell him to atturne to the cognisee, vpon the grant of a rent charge, or rent secke issuing out of the land, Nat. Br. f. 170. b. The forme whereof insueth.

VVrit

Iacobus Dei gratia &c. vic' E. salutem. P̄ &c. tibi, quod venire facias hic a die S. Mich. in quindecim dies E. F. ad cognoscend̄ quem reddit̄ reddere consueuit, exeun̄ de vno messuag' cum pertin̄ in E. quem A.B. in Curia nostra coram Iusticiarijs nostris de banco concessit C.D. per finē inde inter eos fact'. Et habeas ibi hoc breue. Teste &c.

If vpon this Writ, the defendant appeare not, a Distringas goeth forth in this forme:

Rex vic' Ebor̄ salutem. P̄ tibi q̄ distringas E.F. p̄ omnes tras &c. Et q̄ de exit̄ eorundem respond̄, & habeas corpus eius hic &c. in octab. S. Mich. proximo futuro: Ad cognosc̄end̄ quem reddit̄ &c. exeun̄ de vno messuagio cum pertin' in L. q̄ A.B. in Curia nr̄a &c. concessit C.D. p̄ finem inde inter eos fact', & ad audiend̄ iudic̄ium suum inde de pluribus defaltis. Et habeas &c.

At which day if the tenant appeare, the entry may be in this forme:

E. F. in mīa pro pluribus defaltis &c.

P̄ fuit vic' E. quod distringeret p̄d E. F. &c. *vt in aliis breuibus de distring. supra.* Et modo hic ad hunc diem venit tam p̄d C. D. per W.W. Atturnat̄ suum, quam p̄d E.F. in propria persona sua. Et p̄d C.D. pet̄,q̄ p̄d A.B. se ei de redditu p̄d atturnet &c. Et p̄d E.F. petit audir̄ breuis p̄d & ei legitur. Petit etiam audir̄ not̄ finis vnde idem breue emanauit, et ei legit̄ in hęc verba. Inter C.D. quer̄ &c. reciting the note in latin &c.

In

In which caſe if the tenant attorne, the entry ſhall be, as in a Quid iuris clamat, and ſo ſhall the iudgment and execution be alſo *Mutatis mutandis*. But the atturnment muſt be in Court, 9.H.6.21.8.H.6.15. Atturnment entred,

If this Writ be againſt diuers defendants, and ſome appeare and ſome make default, theſe, which appeare, ſhall not atturne without the reſt, vntill they appeare, and after make default, 8.H.6.15. Diuers tenants

If the tenant once appeare, and after make default, a Diſtring' ad atturnand ſhall be awarded, 9.H.6.21.8.H.6.15. Default.

Cogniſee of a rent charge, or rents for yeares, ſhall not haue atturnment, Quære, Dyer f.140.pl.37.&38.

The tenant cannot plead by Atturney, but ex conſenſu querentis, 1.H.7.27. Atturney.

In Quem redd reddit, the tenant appearing, is to demand what the plaintife hath to ſhew for the rent, and then he muſt ſhew the commencement thereof, and his title thereunto, which the plaintife may anſwer, 31.H.6.8.35.H.6.

In Quem redd reddit, if the tenant will diſclaime, he may pleade that he was not tenant of the land the day of the note leuied: for this Writ lyeth againſt none but him, which is then tenant, 8.H.6.15. Diſclamer.

I write thus briefely of this Writ, becauſe it ſo much reſembleth a *Quid iuris clamat.*

Per quæ ſeruitia.

PEr quę ſeruitia is a iudiciall Writ, iſſuing from the note of a fine, and lyeth for the cogniſee of a Manor, Seigniorie, chiefe rent, or other ſeruices, to compell him that is tenant of the land at the time of the note of the fine leuied, to atturne vnto him, 43.Edw.3.8.H.6.17. Plow.46.b. which is made thus. Sect.167.

Rex &c. vic' K. ſalutem. Præcipimus tibi, q̃ venire facias coram Iuſticiarijs noſtris apud W. in craſtin &c. S.F.R.L.&c. ad L. &c. ad cognoſcend per quæ ſeruitia tenent tenementa ſua cum pertin in B. quæ ſeruitia E.L. in Curia noſtr coram Iuſtic' nris apud W. conceſſit W.B. per finem ibi inde inter eos factum. Et habeas ibi hoc breue. Teſte &c. The writ.

If the Lord grant the ſeruices of his tenant by fine, or otherwiſe, the Lord before atturnment ſhal haue ſuch things as ly in prender: as the ward of the body of the heire and of the land, eſcheats &c. But not ſuch things as ly in render: as, rents and reliefe, heriots and other ſeruices for he cannot auow for them before the atturnment.

If a man grant the ſeruices of his tenant for life, this Writ lyeth, Sur graunt for life.

If

If seruices be granted to I.S. for life, the reuersion to N.N. and I.S. die before atturnment, he in reuersion shall haue Per quę seruitia 20.H.6.7.

If Per quæ seruitia be brought against diuers, of which some onely appeare, they are compellable to atturne, 21.Ed.3.48.T.32.E.3.

Vpon whose alienations the tenant is not compellable to atturne.

Sect. 168. T. in taile.

IF tenant in taile of seruices leuie a fine thereof, the tenant of the land, is not compellable to atturne, 48.E.3.23. Because that if the conisor die, the tenant is subiect to the distresse both of the conisee and of the issue in taile, 24.E.3.25.43.E.3. Neuertheless vpon a fine with Proclamation in such case, which barreth the issue in taile, the tenant seemeth compellable to atturne.

Conisor neuer seised.

If a fine be leuied by him which was neuer seised of the seruices, the tenant is not compellable to atturne, H.6.E.2.

To a particular tenant.

If the tenant for life, or any other particular tenant of seruices, which haue them not in fee, leuie a fine thereof, the terre tenant is not compellable to atturne, Itiñ North. 3.E.3.

Iointenant

If one ioint tenant of a Seigniorie grant &c. the tenant is not compellable to atturne, 9.E.2.

Against whom a Per quæ seruitia *lyeth, and whom not.*

Sect. 169. Terre tenant

IT lyeth against him onely that is tenant of the land at the time of the note of the fine leuied, 8.H.6.17.18.E.4.10. And therefore must not varie from the fine, 18.E.4.10.25.E.3.35.E.3.50.

Therefore it seemeth that if he, which is tenant at the leuying of the note die, or alien before atturnment had, that neither his heire nor the alienée is compellable to atturne, H.26.E.3.56.18.E.4.25.E.3.50.10. yet this atturnment is good, Ibidem M.31.E.3.

ARecluse

A Prioresse recluse is compellable to atturne, 41.E.3. And an infant 26.E.3.62. And a man onely dumbe, by writing or signes, 26.E.3.62.

Mute, Deafe, Madnesse.

But a man surde et mute, is not compellable to atturne, 26.E.3.62.

Nor a man non sanæ memoriæ, as a mad man, a lunatike, an ideot, 26.E.3.62.

T. by curtesie Late feoffment

Nor a tenant by curtesie for the feebleneſſe of his estate, 9.E.3.31. He that is infeffed by the Lord post stat. Quia emptores &c. is not compellable to atturn, for he holdeth of the L. peramount, 39.E.3.19.

Qnantitie

The Writ of Per quæ seruitia, ought to shew the quantitie of the tenancie, H.14.E.3. for it is trauersable, T.20.E.3.H.26.H.6.

All persons that may be conisers, may haue this Writ.

Countie.

Per quæ seruitia, ought to be in the County where the fine is knowledged, albeit the Manor be in one County and the seruices in another

Countie,

Countie, 21. E. 3. 18.

Nonsuit in this action is not peremptorie, 24. E. 3. 25. nor the death of the Conisor after the note leuied. Nonsuit.

Per quæ seruitia lieth a yere or more after the note leuied, 29. E. 3. 46 Time.

After peremptory issue ioyned, the tenant in Per quæ seruitia, may make Atturney, for if the issue be tried against him, it dooth countervaile atturnment, and then he may be distrained before atturnment, 48. E. 3. 24. 39. E. 3. 26. Atturney.

Nontenure the day of the note leuied, is a good barre in Per quæ seruitia, 8. H. 6. 17. 21. H. 4. 72. Nontenure.

It is also a good plea, that before the note leuied, the Conisor granted the seruices to another, and that he therupon did atturn, 9. E. 3. 31. Former grant.

The tenant in Per q̄ seruitia, cannot disclaime, but may plead Non tenure, vt supra, 21. H. 4. 72. Disclaime.

After iudgement processe is Distringas ad atturnandum, 4. E. 3. 2. E. 3. 9. 5. E. 4. 2. Proceſſe poſt iudicium.

If the mesne leuy a fine of his mesnaltie, to A. for life, the Remainder to B. in fee, A. bringeth a Per quæ seruitia, and the tenant atturneth, sauing his acquitaile, yet shall not he in the remainder auowe, before he also acknowledge the acquitaile, 18. E. 4. 7. Atturnment with an exception.

But a feme couert cannot confesse acquitaile in Per q̄ seruitia, because she is not examinable in this suit, 9. E. 2. 45. E. 3. Feme couert. Acquitaile.

And the tenant may atturne sauing Acquitaile and warrantie according to a deed thereof. M. 15. E. 3. 5. H. 5. E. 3. Itinere North.

A man may graunt seruices, before he haue seisin thereof in fait, H. 6. E. 2. Fitz. Per quæ seruitia 22. Seisin.

It seemeth vpon the grant of a Mano' cū ptin', the seruices passe without atturnment, as parcell of the Mano', and that the Lord may auow without atturnmant, 26. H. 6. Fitz. Per q̄ seruitia 21. A Manor.

If the tenant in Per q̄ seruitia, appeare and cōfesse the action at the Distringas ad atturnand after iudgement, & will not atturne, hee is punishable by imprisonment, or fine, at the discretion of the Court, as it seemeth, 3. E. 3. Itiñ North. Fitz. per q̄ seruitia 17. Fine. Imprisonment.

Coparceners, Iointenants, and tenants in cōmon, may not fourch by essoine, to essoine seuerally, but haue onely one essoine, as one sole tenant might haue. W. 1. cap. 42. 3. E. 1. Rast' essoine 4. Essoine.

Of the ingrossing of Fines.

WHen the note of the Fine is made with the Custos brevium, if it be of lands in possession, or when atturnment is made, if it be of a reuersion, remainder, rents, or seruices, then may it be ingrossed by the Chirographer. Sect. 170.

And

Ingrossing. And the ingrossing of a fine, is nothing else but the entring of the conc3rd thereof with the Chirographer, and the writing and deliuerie of the indentures thereof. Fitz.nat. 147.a.5.H.4. cap.14. which bee called the Chirographe of the fine, & is made in forme following, viz.

Fine en taile de reuersion de rent, Hæc est finalis concordia, facta in curia dñi Reg. apud Westm̃, à die Pasch. in 15. dies Añ regni Iac.&c. 3. coram Edmundo Anderson, T. Walmsley, R.O. et R.B. Iustic' dñi Reg. et alijs fidelibus tunc ibi p̃sentibus, inter A B. quer & L.C. deforc', de decē mercat reddit cum pertiñ in B. quem P. de A. tenet ad terminum vitæ, vnde placitum conuentionis sum̃n fuit inter eos in eadē cur, scz. quod pred L. concessit pro se & hered' suis, quod pred redd' cum pertin' quem pred' P. tenuit ad terminum vitæ ex dimissione pred L. in pred vil' die quo hæc concordia facta fuit, et qui post decessum ipsius P. ad pred L. & heredes suos debuit reuerti, post decessum ipsius P. integre remaneant pred' A. et hered' de copore suo procreat, tenend' de capital' dominis feodi illius per seruitia quæ ad pred redd pertinent imperpetuum, Et si contingat, quod idem A. obierit sine hered' de corpore suo procreat, tunc post decessum ipsius A. pred redd cum pertiñ integre remanebit rectis heredibus ipsius A. tenend de capitalibus dominis feodi illius per seruitia quæ ad pred' redd pertinent imperpetuum: Et pro hac concessione fine, & concordia, idem A. dedit p̃f. L. centū marcas argenti. And so of others according to the diuersitie of their cases.

Rem. ad heires de corps,

Rem. as droit heires,

Of the tabling of Fines ingrossed.

Sect. 172 Tables, THe Chirographer of fines of the cōmon plees, for euer must write and make one table for euery countie, where his maiesties writ runneth, containing the contents of euery fine, that shall passe in any one terme, as the name of the county, townes, and places, wherin the tenements mentioned in any fine be, the name of the plaintife and deforceant, & of euery manor named in any fine. And the first day of the next terme after the ingrossing of euery such fine, shall fixe euery of the said tables in some open place of the Court of Common plees, and so euery day of the said terme during the sitting of the said court: and the said Chirographer shall deliuer to euery sherife of euery Countie, his vndershirife, or deputy, faire written in parchment, a perfect content of the table so to be made for that Shire in the terme that shall be next before thassises to be holden in the same county, or els meane between the terme and the said assises, to be set vp the first day & euery day of the next assises in some open place of the court, where the Iustices of Assises then shall sit, to continue there so long as they shall sitte in the said court: if either the chirographer or sherife faile herein, he forfeiteth v.li. and the chirographers fee, for euery such table is iiij.d. 23. Eliz. cap. 3.

Contents,

How

How many Proclamations are to be made upon Fines, and when.

Foure Proclamations onely are now to be made upon euerie fine with Proclamation, that is to say, one in the Termes in which the fine is ingrossed, and in euery one of the three termes next ensuing the ingrossing thereof, one Proclamation, 13. Eliz. c. 2. Sect. 172.

But if any of the same Proclamations faile, by reason of the adiournement of any of the said Termes by Writ of adiournement duly made, yet is such fine good, and a good fine with Proclamations, as if the same had been proclamed, 1. M. c. 7. Adiournment.

But if any Proclamation be made upon a Sunday, it is Error, because it is not dies Iuridicus, Dyer fol. 128. pl. 53. 55. 2. Eliz. Sundaies.

Of the Proclamations of Fines at the Assises and generall Sessions how they must be certified.

TO the end better notice of fines may come to them, to whom it appertaineth, it is ordeined by the said Sta. of 4. H. 7. c. 24. That the Iust. of the Common place shall send a transcript of such fines to the Iust. of Assise in the Counties where the Land doth lie, to be proclamed openly and solemnely at all the Assises, which shall be therein holden, within one yere after the ingrossing of suth fines: and that the like transcript be made to the Iust. of Peace, there to be proclamed at foure generall Sessions in the said Counties, and both the same Proclamations to be made and certified into the common place the second day of the returns of the Terme then next following: and it is to be noted, that while the said fines are read, all pleas must cease, 4. H. 7. c. 24. Sect. 173. Sessions. Assises.

The forme of euerie such Proclamation in thus: After the Cryer hath made an Oyes for silence, saying: Oyes les fines lies, or to that effect, the Chirographer or his deputie, readeth the fines thus: Proclamation.

Ebor. A Fine with proclamations betweene A. B. plaintife, and C. D. deforciant, of tenements in D. &c.

If the Cognisees in fines die, before the ingrossing thereof, no Proclamation shall be made, because they had their election to haue the fine with Proclamations or without, which election is now by their death determined, Dyer fol. 254. pl. 104. 8. Eliz. Plow. fol. 166. b. Cognisee dead

Of the inrolment of all the part of Fines after the engrossing thereof and Proclamations passed.

BY the Statute of 23. Eliz. c. 5. it is ordeyned, that there shall be for euer an office of Inrolment, called the office of Inrolments of fines and recoueries: and the Iust. of the Common pleas, for the time being (wher then the cheife Iust. shall haue) take the care and charge of and for the Inrolments thereof, see the examinations thereof, and incite Sect. 174 Office of Inrolement of Fines &c.

their

their names vnto the rolls thereof, & haue & enioy the said office & the disposition thereof, & carefully see & looke to the execution thereof. And haue for the inrolment and examination of euery such fine vj.s. viij.d.

Exemplificatō. And for euerie exemplification of euerie such inrolment of any fine v.s. for one yeare search iiij.d. for euerie sheet of paper conteining xiij. lines iiij.d.

Punishment. And the Iustices of the Common place haue power to take order in all thinges conuenient for the said inrolments, and vpon examination in the said Court to assesse fines and amerciaments vpon persons offending, for their misprision, contempts, or negligences for not doeing or misdoing of any thing, of, in, or concerning any such fines, as they shall think meete and conuenient, 23. Eliz. c. 3.

Inrolment of fines. And euery Writ of Couenant, and other Writ, whereupon any fine is leuied, the returne thereof, the Dedimus potestatem made for the knowledging thereof, the returne thereof, the concord, the note, and sute of eury such fine, the Proclamations made thereupon, and the Kings silver vpon the request, or election of any person, may be inrolled in the said office: and the inrolments of the same, or of any part thereof, shall be of as good force and validitie in the Law, to all intents for so much of any of them so inrolled, as the same being extant and remaining were or ought by Law to be, 23. Eliz. c. 3.

Of the exemplyfication of the parts of Fines inrolled.

Sect. 175. When any of the parts of a fine be inrolled according to the said Statute, then may the same be exemplyfied, either vnder the Seale of the office, or vnder the great Seale of England: but to exemplyfie such a fine vnder the great Seale hath this discōmoditie, that if any errors remaine in the Record of the same fine, they be not amendable after the exemplyfication thereof, 23. El. c. 3. but it seemeth this extendeth onely to fines leuied before the same Statute of, 23. El. c. 3.

These inrolments and exemplifications seeme very necessary, because that the pryuitie and warrant of the said Court, many errors happening in the former Records thereof may be amended, and these inrolments will suffice, if the former Record thereof or any part thereof, be imbesilled or otherwise defaced, 23. Eliz. c. 3.

The exemplyfication of a fine inrolled according to the Statute of 23. Eliz. c. 3.

Eliz. Dei gratia &c. Omnib', ad quos psentes litere puenerint, salutē: Sciatis, qđ inf Irrotulamenta brevium & aliof dependēt, p finib' secundum formā statuti, de trino Paschæ, apud W. ām reg. nostr. 29. rotulo 97. continet' sic, fl. Essex fl. El. dei gratia Angl', Franc', & Hiberniæ reg. fidei defens' &c. vic

&c. vic

vic' Eſſex ſalutem. Præcipe E.W. armig', & I. vxori eius, quod iuſte & ſine dilatione teneant I. W. & I.S. conuentionem inter eos factam, de duobus meſſuagijs, duobus gardinis, duobus pomar', 20. acr' terræ, 20. acris prati, xl. acris paſtur', & C. acris iampnorum & brueræ, cum pun' in B. & W. Et niſi fecerint, et p̄d I. & I. fecerint te ſecurum de clam' ſuo prof. tunc ſumm' p bonos ſumm' p̄dictos E. et I. quod ſint coram Iuſticiarijs noſtris apud Weſtm' in Octabis ſancti Michaelis, oſtenſuri, quare non fecerint, Et habeas ibi ſumm', et hoc breue. T. meipſa apud Weſtm' 17. die Septembris, Ann' regni Reg. nunc 40.* Pleg' de prof. Iohan Doo, Richardus Roo, * Summ' Iohannes Den, Richardus Fen. * Georgius T. ad vic' ſſ. * I. W. dat domin' Reg. ſex ſolidos et octo denarios pro licen' concord' cum E. W. armig', et I. vxore eius de placito conuencionis de duobus meſſuagijs, duobus gardinis, duobus pomarijs, 20. acris terræ, 20. acris prati, 10. acris paſtur', et centum ac' iampnorum et brueræ cum pertin' in B. & W. Et habet Cir' per pacem admiſſ. * Coram R. H. vno Iuſtic' domin' Reg. de banco Iuſtic' in patria ſſ. * Elizabeth dei gratia Angliæ, Franciæ, et Hibern' Reg. fidei defenſor &c. dilecto et fideli ſuo R. H. vni Iuſtic' ſuorum de Banco, Salutem. Cum breue noſtrum de conuen' pendeat coram vobis & ſocijs veſtris Iuſtic' noſtris de banco, inter I. W. & I. S. E. W. arm', et I. vxorem eius, de duobus meſſuagijs, duobus gardinis, duobus pomarijs, 20. acris terræ, 20. acris prati, in B. et W. in comitat' Eſſex, ad finem inde inter eos coram vobis et ſocijs veſtris predictis in banco predict' ſecundum legem et conſuetudinē Regni n̄ri Angl', leuand', Ac ijdem E. et I. adeo impotentes ſui exiſtunt, quod abſque maximo corporum ſuorum periculo vſque Weſtm' ad diem in breui predicto content', ad cognitiones, quę in hac parte requirunt' faciend' laborare non ſufficiunt, vt accepimus: Nos ſtatui eorundem E. et I. compatientes in hac parte, dedimus vobis poteſtatem recipiend' recognitiones quas p̄d' E. et I. coram vobis facere voluerint de premiſſis, Et ideo vobis mandamus quod ad pref. E. et I. perſonaliter accidentes, cognitiones ſuas predictas recipiatis: Et cum eas receperitis, præfatos ſocios veſtros inde ſub ſigill' veſtris diſtinct'è & aperte reddatis certiores, vt tunc finis ille inter partes prædictas de premiſſis, coram vobis et ſocijs veſtris predictis in banco prædicto leuari poſſit, ſecundum legem & conſuetudinem ſupradictas. Et habeatis ibi tunc hoc breue. T. meipſa apud Weſtmon' xviij. die Septembris Anno regni noſtri 40. * Reſponſ. infranominati R. H. ad hoc breue. Execuc' iſtius breuis patet in quadam ſedula huic breui annex'. * Et eſt concordia talis, ſcilicet, quod E. & I. nominat' in breui huic ſcedul' annex', recogn' ten' in dicto breui ſpecifie' cum pertinentijs eſſe ius I. W. in eodem breui nominat', vt ill' quæ ijdem I. & I. S. in dicto breui nominat' habeant de dono prædict' E. et I.

Et

Et ill' remiſer & quiet clam de ſe et hered ſuis ꝓfat I. et I. & hered ipſius I. W. imperpetuum. Et pręterea ijdem E. et I. conc' pro ſe & hered' ipſ' I. quod ipſi warrant tenementa predicta cum pertinentijs prefat I. & I. & hered ipſius I. W. contra omnes homines imperpetuum. Et pro hac &c. ijdem I. W. & I. S. conceſſ. tenementa prædictā cum pertinentiis pref. E. et I. * Et ill' eis reddidet in eadem Curia: Habend & tenend eiſdem E. et I. hered' de corpore ipſius E. p'er prædictam I. legitime procreat, et pro defectu talis exitus, tenementa prędicta cum pertin', integre remañ præf. I & hered de corpore ipſius I. legitime procreat, & pro defectu talis exitus, tenementa predicta cum pertiñ, integre reman' rectis hered' ipſius E. imperpetuum. Tenend &c. R. H. ſſ. * Hęc eſt finalis concordia facta in curia Dominæ Reginæ apud Weſtñ in Octabis ſancti Michaelis Anno regni Elizabeth, Dei gratia, Angliæ, Franciæ, & Hyberñ Reginæ, fidei defenſ, &c. à conqueſtu decimo, coram I. D. R. W. I. W. & R. H. Iuſtic' & alijs doñ Reg. fidelibus tunc ibi preſentibus, Int I. W. et I. S. quer & E. W. arñ, & I. vxor eius defoc' de 2. meſſ. 2. gard, 2. porñ, 20. acr prati 40. acris paſtur, & C. acris iampnor et bruere, cum pertinentijs in B. & W. vnde placitum conuenc' ſumm' fuit inter eos in eadem cur, ſc. quod pred E. & I. recogñ pred tenementa cum pertiñ, eſſe ius ipſius I. W. vt ill' quę ijdem I. & I. S. habeant de dono pred' E. & I. Et ill' remiſ. et quiet clam' de ipſis E. & I. & hered' ſuis, pred I. & I. & hered' ipſius I. W. imperpetuum. Et pretrea ijdem E. & I. conceſſer pro ſe et hered' ipſius I. quod ipſi warr' pd I. & I. et hered' ipſius I. W. pred' tenementa cum pertin' contra omnes homines imperpetuum. Et pro hac recogn', remiſſione, quiet clam', warrant, fine et concordia, ijdem I. & I. conceſſer prædictis E. & I. predicta teñ cum pertinenc. Et ill' eis reddidet in eadem Cur, Habēd' et tenend', eiſdem E. & I. & hered' de corpore ipſius E. per predictam I. legitim' pro creat, de capitalibus dominis feod' ill' per ſeruic', quæ ad pred' tenemñ pertinent, imperpetuum. Et ſi contingat quod ijdem E. & I. obier ſine hered' de corpore ipſius E. per pred' I. legitime procreat, tunc poſt deceſſum ipſor E. & I. predict' tenementa cum pertiñ integre reman' hered' de corpore ipſius I. legitime procreat, Tenend de capitalibus dominis feod' ill' per ſeruic, quæ ad pred tenementa pertinent, imperpetuum. Et ſi nullus heres de corpore ipſius I. fuerit] legitime procreat, tunc prædicta tenementa cum pertinentijs integre remaneb. rectis hered' ipſius E. Tenend de capitalibus dñis feod ill' per ſeruit quæ ad pred tenemēta pertinent, imperpetuum, ſecund forñ ſtatut. * Prim' proclam' facta fuit 22. die Nouembr termiñ ſanct' Michael' Anno vndecimo Reg. inſtſcr. Secunda proclam' xxiiij. die Nouemb. eodem termino. Tertia ꝓclam' xxvj. die Nouemb. eod' termiñ. Quarta ꝓclam' 29. die Nouem eod' term', Quinta proclam' facta fuit ſeptimo die Feb. term' ſanct'

Hill'

Hill Anno 28. dict Reg. infrafct. Sexta procl' 9. die Febr eod termin. Septima procl' die Febr eod term. Octaua procl' 12. die Febr eodem termin. Nona ꝓcl. facta fuit 14. die Maij termin Pasc' ann. 12. Reg. infrafct. Decima ꝓcl' 27. die M. eod' termin. Vndecima ꝓcl' 23. die M. eod' termin. Duodecima ꝓcl' 30. die M. eod' termin. Tertiadecima ꝓcl' facta fuit 22. die Iunij termin Sanct' Trinitat ann. vndecimo Reg. infrafct. Quartadecima ꝓcl' facta fuit Iulij eod termin. Quintadecima ꝓcl' 17. die Iunij eod termin Quæ omnia & singula ad requisitionem W. W. generos. tenore ꝑsentium decimus exemplificandi. In cuius rei testimon sigill' mum ad breuia in hanc sigillandi deputat ꝑsentib' appensum fecimus. T. F. W. W. & F. R. Iustic' de Banco pred' apud Westm die &c. anno reg. nost 20. &c.

W. P. & R.

How Fines executorie be executed.

The execution of a fine, is the obtaining of actuall possession of the things contained in the same, by vertue thereof, and it is either by entrie into the lands, or by writ. Sect. 176.

By entrie into the landes, as if vpon a fine sur cognizance de droit come ceo q̄ il ad de son done, If the cognisor remaine stil in possession, and the cognizee by vertue of such fine enter vpon him, as he lawfully may, without any writ of habere fac' seisin, because such fine is executed, 41. E. 3. 14. 41. E. 3. 5. And if a fine be leuied to the husband & wife in speciall taile, the rem to the heires of the body of the husband, and the wife dieth without issue, the remainder is executed in possession in the husband, for the estate taile meeteth with the freehold, and deuoureth it, 7. H. 4. 23.

Execution of Fines by Writ.

Execution of fines by Writ, is either by Habere facias seisinam, or by Scire facias. Sect. 177.

A writ of Habere facias seisinam, in this case is a writ iudiciall, issuing out of the Record of a fine executory, directed to the Sheriffe of the Countie where the land lieth, commaunding him to giue the cognizee or his heires seisin of the land, whereof the fine is leuied, And this writ lieth within the yeare, after the fine, or iudgement vpon a Scire facias And may be made in these formes:

Rex vic' &c. Præcipimus tibi, q̄ sine dilatione habere facias B. K. seisinam suam de messuag' cum ptin in N. q̄ A. T. in Cur nostra &c. reddidit pred' B. per finem inde inter eos fact' secundum. Teste &c.

Venire facias en Scire facias sur fine sur issue si les

Duodecim &c. de visu &c. Et quia nec E. nec R. & A. vxor eius aliqua &c. ad cognoscend' si tempore leuationis cuiusdam finis leuati in

partes fueront seisie al temps del fine leuie &c.

Curia domini E. nuper Regis &c. apud Westm in crastin &c. anno &c. coram R.B. & sociis suis nunc Iusticiariis ipsius nuper Reg' de banco. Et postea in crastin animarum &c. anno &c. ibid' concessit & recordat coram eisdem nuper Iusticiar. & aliis eiusdem nuper Regis fidelibus, tunc ibi presentibus, inter T. K. & R. Fl querent, & I. B. & I. vxor' eius deforc', de quatuor solidis redditus cum pertinentijs in S. vnde prædict' G. in Curia nostra &c. petit executionem versus præfat' R. & A. virtute

Concess. & recordat;

Fine de rent.

finis prædict', ac de alijs tenementis & redditibus in eodem fine contentis, p̃dict' T. K. & R. & prædict' I. B. et I. qui fuerunt partes fini illius fuerunt seisiti de prædictis quatuor solidis redditus cum pertinentijs, pcure per eundem finem supponit, per quod prædict' E. executionem prædict' quatuor solid' redditus cum pertinentijs versus præfatos R. & A. virtute finis prædict' habere debeat, sicut idem E. dic' vel non, imo nec prædict' T. K. & R. nec prædicti I. B. & I. qui fuerunt partes fini prædicto, tempore leuationis eiusdem finis aliquid habuer' in prædict' quatuor solid' redditus cum pertinentijs, nec in messuag' vnde supponit redditum illum prouenire, per quod prædict' E. ab executione prædict' quatuor solid' redditus cum pertinentijs versus præfatos R. & A. virtute finis prædict' habend' excludi debeat, sicut ijdem R. & A. dicunt, quia tam &c.

Habere facias seisinã sur rec' en scire facias hors de fine p confession.

Scias, quod est conf. in Curia nostra, quod W. L. &c alij &c. habeant executionem versus W. T. de decem acris terræ cum pertinentijs in D. virtute cuiusdam finis inde leuati in Curia Domini E. nuper Regis &c. apud W. à die &c. anno &c. coram R. B. & sociis suis tunc Iusticiarijs eiusdem progenitor' nostri de Banco, inter I. G. iuniorem & W. G. querentes, & E. P. & M. vxor' eius deforc', de prædictis decem acris terræ cum pertinentijs, ac de alijs terris & tenementis in eodem fine contentis, per cognitionem prædict' W. T. actionis prædict' W. L. & al', & ideo tibi præcipimus, quod eisdem W. L. & al'. de prædictis decem acris terræ cum pertinenujs sine dilatione plenariam seisinam habere facias &c.

Habere facias seisinam sur recouery p def. en Scire facias hors de fine,

Scias quod considerat est in Cur' nostr' &c. q̃ T. B. consang' et heres W. fratris P. filius W. & M. vxoris eius, hear executionem vet fut R. R. &c. de 40. ac' bosci cum pticñ in B. virtute cuiusdam finis in Curia Dom' E. nuper regis &c. apud W. &c. inter prefat' W. & M. quer, & W. de B. & R. fil' W. &c. deforcianf &c. de tenris prædict' lenatis per defalt ipsorum &c. Et ideo tibi precipimus, quod eidem T. B. de prædictis tenuris cum pertinentijs sine dilatione plenariam seisinam & execution habere facias. Teste &c.

Habere facias seisiñ sur rec' p def. en Scire fac' hors de fin'

Rex vic' salutem Scias, quod consid' est in Curia nostra coram Iusticiarijs nostris apud W. quod T. B. consanguin' et heres W. B. habeat executionẽ versus R. D. de manerio de A. cum pertinẽ in comitatu, virtute cuius-

cuiusdam finis leuatus in Curia dñi E. nuper Reg. Anglie &c. apud W. a die &c. anno &c. coram R. B. & socijs suis tunc Iusticiarijs ipsius nuper Regis de Banco. Et postea in octab. &c. anno &c. ibidem concess. et recordat. inter ipsum W. querentem, & A. deforciant. de manerio pred' per defalt ipsius R. Et ideo tibi precipimus, quod eidem T. B. de manerio prædcum pertin sine dilatione plenariam seisinam et executionem habere facias. Teste &c. Concess. et recordat.

Scias q̄ considerat est in Curia nr̄a &c. q̄ R. M. et R. A. consanguin' & hered' H. de B. & M. vxoris eius, habeant executionem versus I. C. &c. de duabus partibus manerij de Y. cum pertinentijs, virtute cuiusdam finis leuati in Cur' domini E. nuper regis &c. apud W. in crastino &c. anno &c. coram T. W. et socijs suis tunc Iusticiar' &c. de banco, inter H. B. & M. vxor eius quer', & B. D. et B. vxor eius deforciant. de prędict' manerio cum pertin, ac de aduocatione Ecclesię eiusdem manerij, prout q̄ quandā iuratam coram dilectis & fidelib' nostris I. T. & W. A. duobus Iusticiarijs de Cōmuni banco, per formam statuti inde, postea die &c. apud R. inde inter eos capt. compertū fuit. Et ideo tibi precipimus q̄ eisd' R. et R. de duab' partibus pd' cum pertin, sine dilatione executionē & plenariam seisinam habere facias. Teste &c. Habere facias seisinam sur recouery per verdict en Scire facias hors de fine. Nisi prius.

Of execution of Fines by Scire facias.

A Writ of Scire facias vpon a fine, lieth in the same case that a writ of Habere facias seisinam doth, sauing that it is to be sued a yeare and a day after the fine is leuied, whereby the Sheriffe is commanded to warne the terre tenant to appeare, apud shew cause if hee can, why the Cognisee or his heires should not haue execution. At the returne whereof, if the tenant appeare, and shew no cause to the contrary, the plaintife shal haue an Habere facias seisinam, *vt supra*. And the forme of diuers Scire facias in like case ensue. Sect. 178.

Rex vic' salutē. Cum quidam finis leuatus fuisset in Curia dñi E. filij Regis H. pgenitoris nri &c. apud W. in octab. &c. anno regni sui tricesimo quarto, coram R. H. & socijs suis tunc Iusticiarijs ipsius pgenitoris nostri de banco inter G. P. & I. vxor' eius quer', per W. F. posit' in loco eorum ad lucrand' vel perdend', & S. H. deforciantē, de manerio de C. cū pertin, vnde placitum conuencionis summonitum fuisset inter eos in cad' Curia, &c. q̄ prędict' G. recogn manerū pd' cum pertin esse ius ipsius S. vt illud quod idem S. habuisset de dono pd' G. Et pro illa recognitione, fine & concordia idem S. concessisset pd' G. & I. prędict' manerium cum pertinentijs, & illud eis reddidit eadem curia: habend' et tenend' eisdem G. & I. & heredibus quos idem G. de corpore ipsius I. procreasset, de prędict' S. & hered' suis imperpetuum, reddendo inde p̄n̄ annū Scire facias hors de fine for the heires in taile. Attorney in fine. Render to the husband and wife, & to the heires of the husband of

the body of the wife begotten, rendring rent and forreine ſeruice.

vnam Roſam ad feſtum &c. pro omni ſeruitio, conceſſ. & actione ad prædict' S. & hered' ſuos pertinent, & facienc inde capitalibus dominis feodi illius, pro prædict' S. & hæredibus ſuis, omnia alia ſeruitia, quæ ad manerium illud pertinerent: Ita quod ſi contingeret, quod prædict' G. obierit ſine hærede de corpore ipſius I. procreat, tunc poſt deceſſum ipſorum G. & I. prędictum manerium cum pertinentijs integre remaneret W. fratri eiuſdem G. & hered' de corpore ſuo procreat, tenend' de prædict' S. & hæredibus ſuis per prædicta ſeruitia, ſicut prædictum eſt, imperpetuum, Et ſi contingeret quod prædictus W. obiret ſine hærede de corpore ſuo procreato, tunc poſt deceſſum ipſius W. prædict' manerium cum pertinentijs integre remaneat I. fratri eiuſdem W. & hæred' de corpore ſuo procreat, tenend' de prædicto S. & hęredibus ſuis per prædicta ſeruitia, ſicut prędictum eſt, imperpetuum, Et ſi contingeret prædict' I. obire ſine hærede de corpore ſuo procreat, tunc poſt deceſſum ipſius I. prædictum manerium cum pertinentijs integre remaneret E. fratri eiuſdem I. & hæred' de corpore ſuo procreat, tenend' de prædict' S. & hęredibus ſuis per ſeruitia prędict', ſicut prędict' eſt, imperpetuum: Et ſi contingeret quod prędictus E. obiret ſine hærede de corpore ſuo procreato, tunc poſt deceſſum ipſius E. prædict' manerium cum pertinentijs integre reuertatur ad prædict' S. & hæredes ſuos, quiet de alijs hæred' ipſorum C. & I. W. I. & E. tenend' de capitalibus dominis feodi illius per ſeruitia, quæ ad illud manerium pertinerent, imperpetuum: Ac iam ex inſinuatione I. L. & M. vxoris eius vnius, ac T. V. & T. vxor eius, alterius, necnon H. B. tertij, conſanguin & hęred' prædict' G. & I. de corporibus ſuis procreat' accepimus, quod prædict' G. & I. mortui ſunt, Et quod quidam T. L. & R. L. prędict' manerium cum pertinentijs modo ingreſſi ſunt, & illud tenent contra formam finis p̄dict', Et quia volumus ea quæ in Cur' ꝓgenitoris noſtri acta ſunt, debite executioni demandari, tibi ꝓcipimus, qđ p̄ ꝓbos & legales homines de balliua tua Scire facias p̄fat' T. L. & R. qđ ſunt corā Iuſtic' noſtris apud W. in octab. &c. oſtenſ. ſi quid pro ſe habeant aut dicere ſciant, quare p̄dict' manerium cum pertinentijs, quod ipſi tenent in forma p̄dicta, poſt mortem prædict' G. & I. præf. M. T. & H. conſanguin & hered' ipſorum G. & I. de corporib' ſuis ꝓcreat', remanere non debent, iuxta formam finis prędicti, ſi ſibi viderit expedire, Et habeas ibi nomina eorum, p̄ quos eis ſcire feceſ, & hoc breue, Teſte &c.

Rem in taile.

Scire facias pur le heire de eſtuy in le reuers.

Rex Vicecom' ſalutem: Cum quidam finis leuaſſit in Cur' domini E. nuper Regis Angl' aui noſtri, tali die, & anno, coram A. & ſocijs ſuis tunc Iuſt. eiuſdem aui noſtri de Banco, inter W. quærent, & R. deforciant, de manerio de T. cum pertinen, vnde placitum conuentionis ſummonitum fuit inter eos in eadem Curia, ſcilicet, quod prædict' R. recogn prędict' manerium cum pertinen eſſe ius ipſius W. vt illud quod idem W. habuiſſet

habuiſſet de dono prędicti R. & p illa recognitione, fine & concordia, idem W. conceſſiſſet prędᵒ R. prædᵒ manerium cum ptiñ, habendᵒ & tenendᵒ eidem R. de prædictᵒ W. & hæredᵒ ſuis maſculis de corpore ſuo p creatis tota vita ipſius R. reddendᵒ inde per annum &c. Et poſt deceſſum ipſius R. predictᵒ manerium cum pertiñ integre reuertat ad prædictᵒ W. & hæredᵒ ſuos, quiet de hæredᵒ prædictᵒ R. tenendᵒ de capitalibus dominis feodi illius, per ſeruitia, quæ ad illud manerium ptinerent, imperpetuum, & ſi contingeret quod prædictus R. obiret ſine herede maſculo de corpore ſuo p creat, prædictᵒ manerium cum ptineñ integre remaneret T. fratri ipſius W. & hæredibus maſculis de corpore ſuo p creat, tenendᵒ de capitalibus dñis feodi illius per ſeruicᵒ prædictᵒ imppetuum: Ac iam ex inſinuatione A. filij & heredis prædᵒ T. accepimus, quod predᵒ R. iam obijt, & q predᵒ W. obijt ſine hęredᵒ maſculo de corpore ſuo procreato, & quod I. vnum meſſuagium &c. cum ptinent, quę fuerunt parcella manerij predᵒ modo ingreſſus eſt, & illa tenet contra formam finis prædᵒ. Et quia volumus ea &c. oſtenſ. ſi quid p ſe habeat aut dicere ſciat, quare pdictᵒ tenementum cum pertiñ, predᵒ A. filio & heredi prædicti T. remanere non debeat, iuxta formäm finis prędicti, ſi ſibi viderit expedire &c Et habeas &c.

Réder pur vie a oue reuertur luy in taile & remainder ouſter en taile.

Et modo hic ad hunc diem venit tam prædictus I. S. per S. Atturnatum ſuum, quam prædictᵒ W. & A. per F. Atturnatum ſuum, & vicecomᵒ mandᵒ quod ſcire feceriteiſdē W. & A. eſſendi hic ad hunc diem oſtenſ. ſeparatim in forma prędicta, per R. & S. probos &c. Et ſuper hoc prædictᵒ I. dicit, quod ipſe eſt conſang' & hæres predictᵒ I. & E. videlicet &c & petit verſus predictᵒ W. & A. ſeparatim executionem in formᵒ prędictᵒ &c.

Scire facias vers ſeueral tenants. Retuꝝ ſcire fecit. Couſinage allege.

Et iam prædicti W. & A. quoad prædicta tenementa, vnde executio verſus eos ſecuta eſt, quam prædictᵒ R. & I. quoad prædicta tenementa, vnde executio verſos eos ſeparatim petita eſt, ſingulatim dicunt quod nec predᵒ I. nec predᵒ W. & B. quos per finem pdictᵒ ſupponit eſſe partes finis illius, nihil habuer in tenementis pdᵒ cum ptiñ, vnde executio verſus W. & A. ſeparatim petita eſt, tempore leuat eiuſd finis, imo quidam I. C. fuit inde ſeiſitus tempore leuationis finis illius, cuius quid I. C. ſtatum in tentis illis, vnde executio verſus eos petita eſt, quam prædᵒ R. & I. ſeparatim habent in tenementis predᵒ, vnde executio verſus eos ſingulatim petita eſt, ſeparatim petunt iudicium, ſi prædᵒ I. executionem inde verſus eos habere debeat &c. Et predᵒ I. dicit quod tempore leuationis finis illius, predᵒ I. & I. qui fuerunt partes finis illius, fuerunt ſeiſiti de tenentis prædᵒ cum ptineñ, vnde executio verſus prædᵒ W. & A. ſeparatim in forma & modo prædictᵒ ſecuta eſt, p̄ut per finem illum ſupponitur, & hoc petit &c. Ideo 12. &c.

A barre that the parties to the fine had nothing in the land at the time of the fine, but I. whoſe eſtate the tenant hath.

Iſſue that I. was ſeiſed at the time of the fine leuied

Scire facias ſuper fine.

Cum quidam finis leuaſſet in Curia domini E. quondam regis Angl' auj noſtri, à die Sanctę Trinitatis in quindecim dies, anno &c. coram I. de B. & ſocijs ſuis tunc Iuſticiarijs ipſius auj noſtri itenerantibus apud Ebor', inter Alanum querent', & A. defend' de decem libratis terræ cum pertinentijs in A. in manerio de L. in Comit' de N. vnde placitum conuentionis ſummonitum fuiſſet inter eos in eadem curia, ſcilicet quod p̄d Adam recogn̄ prędict' tenementa cum pertinentijs, vt in dominicis, redditibus &c. & omnibus alijs rebus ad prædicta tenementa pertinentib', eſſe ius ipſius Alani, p̄terea idem A. dedit & conceſſit prædicto Alano quinque marcas redditus cum pertinentijs in A. in Comitatu K. & totū manerium de B. cum pertinentijs in Comitatu tuo, vt in dominicis &c. habendum & tenendum eidem Alano & vxori eius, & hæredibus de corporibus ipſorum Alani & E. procreat', de capitalibus dn̄is feodorum i'lorum imperpetuum, faciend' inde omnia ſeruitia, quæ ad p̄dict' tenement' pertinerent, & prædictus A. & hęredes ſui warr' eiſdem Alano & E. & hęredibus ſuis prædictis, omnia prædict' tenementa cum pertinentijs, p̄ predict' ſeruitia contra omnes gentes imperpetuū, & ſi contigerit quod predict' A. & E. obirent ſine herede de corporibus ipſorum Alani & E. p̄creat', de capitalib' dominis feodorū illor' imperpetuum faciend' inde omnia ſeruitia quæ ad præd' tenem̄ta p̄tinent: & prædict' A. & heredes ſui warr' eiſdem Alano & E. & heredibus ſuis pred' omnia præd' tenementa cum pertinentijs per pred' ſeruitia contra omnes gentes imp̄petuum, & ſi contingeret quod prædicti A. & E. obirent ſine herede de corporibus ipſorum Alani & E. procreat', poſt deceſſum ipſor' Alani & E. præd' tenementa cum pertinentijs ad præfatum Adam & hęredes ſuos integre reuerterentur quieta de alijs hæredibus ipſorum A. & E. imp̄petuum: Ac iam ex inſinuatione Anthonij de L. & I. conſanguineorum & hered' prædict' Adæ accepimus, quod predict' Alanus & E. iam obierunt, & quod Iohannes filius & hęres eorundem Alani & E. obijt ſine hęred' de corpore ſuo procreato, & etiam Wilhelmus filius prædict' Alani & E. & frater & heres predict' Iohannis iam obijt ſine herede de corpore ſuo p̄creato, & quod quędam Iohanna, quę fuit vxor Iohannis de W. prædict' manerium de B. cum pertineñ ingreſſa eſt, & illud tenet contra form̄ finis pred'. Et ideo tibi preceperimus, q̄ p̄ bonos & legales homines de comitatu ſuo ſcire faceres p̄dict' Iohannæ, qd̄ eſſet coram Iuſticiar' noſtris apud Weſtm̄ à die Sancti Michaelis in quindecim dies proxim̄ p̄terito, oſtenſura ſi quid pro ſe haberet vel dicere ſciret, quare pred' manerium de B. cum pertineñ, prædict' Antho. & I. conſanguineis & hæred' præd' Adæ reuerti non deberent, ſi ſibi vidiſſet expedire, ac p̄ eo quod idē I. poſtea in eadem cur' n̄ra dixit quod prædict' Anthonius ſequeretur executionem finis p̄dict' de medietate

pred'

prædicti manerij de B. cum ptinentijs, versus ꝑdictam Iohannam: Eadem Iohanna venit in eadem Curia & dixit, quod ipsa tenet prædictum manerium de B. cum ptinentijs ꝑ nomen manerij de R. ex dimissiõ N. de C. & quod reuersio inde post mortem eiusdem Iohannæ ad ꝑdict' N. spectat, sine quo non potest prędict Anthonio de ꝑdict' medietate manerij præd' respondere, & petit auxilium de ipso Nicholao. Et ideo tibi præcipimus, quod per bonos &c. scire facias prædicto N. quod sit &c. apud Westm̃ a die &c. ad respondend' præfat A. simul cum prædicta Iohanna de prędicto placito si voluerit. Et habeas ibi nomina &c. Teste &c.

Cum quidem finis leuatus esset in Curia dñi E. nuper Regis Angliæ aui nostri xv. termino Trin̄, anno &c. coram A. & socijs suis tunc Iusticiarijs ipsius aui nostr' irenerantibus, apud E. inter B. quer' & C. defore', de decem libr' reddit cum pertinentijs in B. in manerio de S. in Comitatu E. vnde placitum conuentionis sum̃ fuisset inter eos in eadem Curia, sc. quod ꝑd C. recogn̄ tenem̃a præd' cum ptinen', vt in dominicis, reddit &c. & omnibus alijs rebus ad præd' tenem̃a ptinen' esse ius ipsius B. Prętera idem C. dedit & concessit prędict' B. quinq; marc' reddit cum ptinentijs in A' in Comitatu S. & totum manerium de D. cum ptinentijs in eodem Com̃ vt in dominicis: habend' & tenend' eidem B. & E. vxor' eius, & hæred' de corporibus ipsorum B. & E. exeuntibus, de capitalibus dñis feodi illius imperpetuum. faciend' inde omnia seruic' quę ad prędt tenem̃a pertinerent: Et præd' C. & hæred' sui warrant' eisdem B. & E. & hæred' suis prędict', omnia prædict' manent cum suis pertinen̄ per prędict' seruitia contra omnes gentes imppetuum: Et si contingat quod præd' B. & E. obirent sine hæred' de corp' ipsorum B & E. procreat' tunc post decessum ꝑd B. & E. præd' tenem̃t cum ptinentijs ad prędict' C. & hæred' suos integre reuerterentur quiet' de alijs hęred' ipsorum B. & E. imperpetuum: Ac iam ex insinuatione R. & K. consang' & hęred' præd' C. accepimus, quod præd' B. & E. iam obierunt, & quod I. filius & hæres eorundem B. & E. obijt sine hærede de corpore suo ꝓcreato, & etiam W. filius prædict' B. & E. frater & hæres prędict' I. iam obijt sine hærede de corpore suo exeunt'. Et quod quædam I. quę fuit vxor I. W. prædict' manent de D. cum pertinentijs modo ingressa est, & illud tenet contra formam finis præd'. Et ideo tibi præcipimus, quod per probos &c. scire fac' præfat I. quod esset coram &c. tali die ostensur' si quod &c. quare prædict' manerium cum pertinentijs, prædict' R. & K. consanguin' & hæred' prædicti C. reuerti non deberet, si sibi vidisset expedire, ac pro eo quod idem K. postea in eadem Curia nostra ven' & dic' quod prędict' R. sequeretur executionem finis præd' de medietat' manerij præd' de D. cum ptiñ versus præd' I. eadem I. tali die ven̄ in ead' cur' nostr', & dicit ꝙ ipsa

Scire facias sur ayde.

ipſa tenet manet̃ p̃d̃ de B. cum ptiñ p nom̃ manerij de R. ex dimiſſioñ N C. & quod reu̇erſio inde per mort̃ pred̃ I. ad p̃dict̃ N. ſpect̃, ſine quo non poteſt præd' R. de præd̃ medietate manerij præd' reſpondere, & petijt auxilium de ipſo N. Et ideo tibi p̃cipim', quod p̃ ꝓbos ſcire facias p̃fat̃ N. quod ſit &c. ad reſpondend̃ pr̃ed̃ R. ſimul cum præd' I. de p̃d' placit̃ ſi voluer̃. Et habeas &c.

Mittimus del tranſcript del fine, et Scire facias inde.

Dominus Rex mand̃ Iuſticiarijs ſuis hoc breue ſuum clauſum in hęc verba. Edwardus &c. *(recitand' totum breue.)* tenor præd' finis vnde in breue præd' fit mentio, *(vel ſic)* Tranſcript̃ præd̃ finis, vnde in breue p̃d̃ fit mentio, ſequitur in hęc verba. Hæc eſt finalis concordia &c. *recitand' totum &c.* Et modo ſcz. tali die iſto eodem termiñ venit hic in Cur̃ A. ex parte prædict' T. & dicit quod p̃d̃ R. mortuus eſt, & ſimilit' q̃ præd' W. obijt ſine hęred̃ maſculo de corpore ſuo ꝓcreat̃, & quod I. in vnum meſ. &c. cum ptiñ, quæ ſunt parcel' manerij prædict', modo ingreſſus eſt, & il' tenet contra formam finis præd̃. Et petit breue Vic' S. dirigend', ad p̃munieṅd' præt. I. eſſendi hic oſtenſ. ſi quid &c. quar̃ ead' meſſuag' &c. cum ptiñ, q̃ dictus T. clamat in form̃ p̃d̃, poſt mort̃ pręd' W p̃t. T. conſang' & hæred̃ p̃d̃ R. remanere non debẽt iuxta form̃ finis p̃d̃, ec q̃ præd' W. mortuus eſt ſine hæred' maſc' de corpore ſuo ꝓcreato, & ei conceditur returnabil' hic tali die, *vel ſic*, Et p̃ ſeparalia br̃ia, viz. vnum vicec' dicti com̃ B. aliud Vic' N. tertium Vic' H. dirigend̃, ad p̃munieṅd̃ eundem I. eſſendi hic, oſtenſur̃ &c.

Seueral Scire fac' into ſeuerall counties vpon one fine.

Scire facias for him in the rem̃.

Præcep̃t fuit Vicecom̃. cum quidam fiñ leuaſſet in Cur̃ dñi reg. &c. die &c. anno &c. cor' &c. Iuſticiarijs ipſius ꝓgenitoris dñi regis nunc de Banco, inter W. & I. vxor̃ eius querent̃, & I. E. defor̃c' de vñ meſſuag' &c. cum ptiñ in L. vnde placitum conuentionis ſum̃ fuiſſet inter eos in ead̃ curia, ſcil. quod prædict' W. recogn̄ tenta predict' cum ptiñ eſſe jus ipſius I. vt illa quæ idem I. habuiſſet de dono p̃d̃ W. & p̃ illa recognitione fine & concordia idem I. conceſſiſſet pręd' W. & I. p̃d̃ tenẽt cum ptiñ, & illa eis reddidiſſet in eadem Cur̃, habend' & tenend' eiſd' W. & I. & hæredibus ipſius W. de corpore ſuo ꝓcreat̃, de capitalib' dñis feodi illius p̃ ſeruitia quæ ad pred' tenement̃ pertinerent imperpetuum, & ſi contingat quod idem W. obiret ſine hærede de corpore ſuo procreat̃, tunc poſt deceſſum ipſorum W. & I. prædict' tenementa cum pertinentijs integre remanerent I. filio eiuſdem W. & hæredibus de corpore ſuo procreatis tenend̃ de capitalibus dominis feodi illius per ſeruitia, quæ ad prędict' tenementa pertinerent imperpetuum. Et ſi contingat quod idem I. obiret ſine hærede de corpore ſuo ꝓcreato, tunc poſt deceſſum ipſius I prędict' tenementa cum pertinentijs integre remanerent rectis hæredibus ipſius W. tenend' de capitalibus dñis feodi &c. vt ſupra: Ac iam ex inſinuatione T. conſang' & hæred̃ predict' I. fil' W. acceperat Rex quod

Render to the husband and wife, & to the heires of the body of the husband.

Rem. in taile.

Rem. to the right heires.

idem

idem W. mortuus est sine hærede de corpore suo ꝓcreat', & quod prędt' I Iam obijt, & quod quidam A. tenta prædicta cum ptiñ, modo ingressus est & ea tenet contra formã finis ꝓd', Et quia &c. quod p ꝓbos &c. Scire facias præf. A. quod esset hic ad hunc diem &c. ostensur si quid &c. quare ꝓd tenta cum ptiñ, quæ ipse tenet in formã prædt', post mortem prædt W. & I. vxor eius ꝓf. T. vt consang' & hæred' predt' I. fil' W. remanet nõ debent iuxta formã finis predt', si &c. eo quod prædt W. obijt sine hærede de corpore suo exeunt &c. Et modo hic ad hunc diem venit tam predt T. per A. atturnatũ suum quam ꝓdt' A. p S. atturnatum suum, & vicecomẽ mandauit quod preceperat I. L. ballivo libertatis &c. cui &c. qui idẽ vic' sic respondt', quod scire fecit ꝓfat A. essendi hic ad hunc diem, ostensus in formã ꝓdict' p T. & G. ꝓbos &c. Et super hoc prædt T. dicit, q̃ ipse est consang' & hæres prædt I. fil' W. viz. fil' I. fil' ipsius I. fil' W. &c. et petit versus ꝓf. A. executionem &c.

Et super hoc, prædict' W. H. dicit quod prædt W. frater G. in fine ꝓd nominat apud S. in Com N. quandam E. P. ad ipsam in vxor ducend': eademque E. ipsum W. ad eum in virũ habend, insimul affidarunt: Et post banna inter eos p tres dies festiuos à se distantes in ecclesia &c. publice ꝓclam, fuer desponsalia inter eos in facie ecclesiæ illius solem celebrat, infra quæ desponsalia, ijdẽ W. & E. habuerunt exit inter se T. apud H. in eodem com N. genitum & natum. Qui quidem T. apud T. in com N. in ecclesia sanct' A. ibid' duxit in vxor quandam N. ijdemq; T. et N. post sponsalia inter eos ibid celebrat, habuerunt exit inter eos quendam H. ibid' genitum & natum, ac idem H apud dictã villam N. in eod' com in prædt' eccleſia &c. duxit in vxorem quandã I. ijdemque H. & I. post sponsalia inter eos ibid celebrat, habuerunt exitum inter eos ꝓd' W. H. qui nunc se quit genitũ & natum, et sic idem W. H. qui nunc sequitur dic' quod ipse est consang' & hæres ꝓd' W. fratris G. de corp' ipsi' W. fratris G. ꝓcr, viz. fil' prædt H fil' dicti T. fil' eiusd W. fratris G. & petit versus prædict' R. S. señ &c. execue' &c.

Cousinage.

Præc' fuit vic' cum quidam finis leuasset in curia domini E. nup Reg. Angl' &c. in oct' &c. anno &c. coram &c. per breue ipsius nuper Regis inter S. P. & I. vxor eius & S. fil' eorundem S. & I. quer p E. custodem ipsius S. fil' eorundem S. P. & I. ad lucrand', & W. P. personam eccles. de T. & I. H. capellañ defore', de duobus messuagijs &c. cum pertiñ in T. S. & W. vnde placit conuencionis fuit inter eos in eadem Curia, sc. quod prædt S. P. recogn tenementa prædict' cum pertin' esse ius ipsi' W. vt illa quæ ijdem W. & I. tunc habuerunt ex dono ꝓdict' S. P. & pro eadem recognitione, fine & concordia, ijdem W. & I. concess. predict S. P. & I. & S filio eorund' S. & I. prædt' tenementa, cum pertiñ, & illa eis reddiderunt in eadem Curia, Habend' & tenend' eisd' S. P. & I. & S. filio eorum-

Fine leuied to one by a gardein.

eorundem S. & I. & heredibus ipſius S. filij eorundem S. & I. de corpore ſuo procr', de capital' dñis feodi illius per ſeruitia quæ ad prædict' tenementa pertinerent imperpetuum, & ſi contingeret quod idem S. filius eorundem S. & I. obiret ſine herede de corpore ſuo procreat, tunc poſt deceſſum ipſorum S. & I. & S. filij eorundem S. & I. prędict' tenta cum pertinen integre remanerent hered' maſculis de corporibus ipſorum S. & I. exeuntibus, tenend de capital' dominis feodi illius per ſeruitia, quæ ad pred tenta pertinerent imperpetuum, & ſi nullus hęres maſculus de corporibus ipſor S. P. & I. foret procr', tunc pred tenementa cum pertin integre remanerent M. ſorori pd S. filie pred S. & I. & hered' de corpore ſuo procreatis, tenend de capital' dñis feodi illius per ſeruitia quæ ad pred tenta pertinerent, imperpetuum, & ſi contingeret quod eadem M. obiret ſine hæred' de corpore ſuo procreat, tunc poſt deceſſum ipſius M. pred' tenta cum pertin, integre remanerent I. ſorori eiuſdem M. & her de corpore ſuo procr, tenend de capital' dñis feodi illius per ſeruitia q ad præd' tenta pertin imperpet, & ſi contingeret q eadem I. obiret ſine hæred' de corpore ſuo ꝓcreat, tunc poſt deceſſum ipſ' I. pred' tenta cū pertin integre remanentibus hęr prædict' S. P. tenend' de capital' dominis feodi illius per ſeruitia quæ ad pd' tenta pertinent imperpet, ac iam ex inſinuatione I. A. conſang' & her pd M. de corpore ſuo ꝓcr', acceperat Rex, quod præd' S. P. & I. mortui ſunt ſine hæ maſculo de corporib' ſuis ꝓcreato, & pred' S filius pd' S. & I. mortuus eſt ſine hæ de corpore ſuo ꝓcreat, quodq; pd M. ſimiliter obijt, & quod quidem R. L. & alij, meſſ. &c. pred' cum ptin modo ingreſſi ſunt, & illa tenent contra form finis prędict', & quia &c. ſcire fac' p'. R. L. & al', quod eſſent hic ad hunc diem, ſc. a die &c. oſtenſur, ſi quid &c. quare meſ. pd cum ptin, quę ipſi tenent in form pred', poſt mortem pred' S. P. et I. S. &c. ac pref. M. plat I. A. conſang' et her ipſius M. de corpore ſuo ꝓcreat, reſn non debeant inxta form finis præd', eo quod præd' S. P. & I. mortui ſunt ſine hęr maſculo de corpor' ſuis procreat, & pd' S. filius præd' S. & I. mortu' eſt ſine her de corpore ſuo ꝓcr, ſi &c. Et modo hic ad hunc diem ven tam pd I. A. per T. B. attorn ſuum, quam prędict' R. L. & al' p I. K. attorn ſuum, & vic' mand' quod ſcire fecit eid R. L. & alijs eſſendi hic ad hunc diem, oſtenſ. in form præd' p I. C. & alios ꝓbos &c. ſuper quo idem I. A. dicit quod ipſe eſt conſang' & hæ præd' M. de corpore ſuo ꝓcr', videlicet filius I. fil' W fil' S. fil' prędict' M. Et pet execution de tenement pd ſibi adiudicare &c. Et pred R. L. & alij dicunt, quod ipſi non poſſunt dedicer finem pd, nec quin præd S. P. per finem illū recogn tenta pred' cum ptinentijs eſſe ius pred W. P. vt illa quæ idem W' ac pd I. tunc habuerunt de dono pdict' S. P. nec quin p eadem recogn, fine & concordia ijdē W. & I. p finem illum conceſſer tenementa illa, tenend' præfat S.

P.

Scire facias for the heire of him in the Rem.

Confeſſion of the fine.

P & I.S.fil' eorund' S. & I. et illa eis reddiderunt in eadē Curia, habend & tenend eisdē S.P.& I.& S.filio eorund' S. & I. & hef ipsius S. fil' eorundem S.& I. de corpore suo procr. Ita quod si contingeret, q̄ idem S. fil' eorund S. & I. obiret sine hered de corpore suo p̄creat, tunc post decessum ipsor S.P.& I.& S.fil' eorund S.et I. prædict' tenta cum p̄tin̄ integre remanet hær masculi de corporibus ipsorum S. P. & I. exeunt, & si nullus hæres masculus de corporibus ipsorum S. P. & I. foret p̄creat, tunc tenta p̄dict' cum pertin̄ integre remanerent p̄fat M. sorori prædict' S.fil' predict' S.P. et I & hered de corpore suo p̄cr, nec quin pred S.P. & I. mortui sunt sine hæred masculo de corporib' suis p̄cr', nec quin p̄d S.fil' predict' S.P. et I. mortuus est sine hered de corpore suo p̄creat, nec quin pred M. similiter mortua est, nec quin pred I.A. est contanguin & hæres prædict' M. in forin̄ qua idem I.A. superius supponitur, sed omnia & singula p̄missa bene concedunt. Ideo cons. est q̄ pred I. A. habeat executionem versus prædict R. L. & al' de tenementis prædictis cum pertinent &c. Iudgement dauer execut.

Et modo hic ad hunc diem venit tam prędict' E. in propria persona sua, quam pred T.B. per W. atturnatum suum, Et vic' mand quod scire fecit &c. Et super hoc pred' E dicit, quod ipse est consanguin & hæres prædicti E. videlicet fil' R. fil' I. fil' A. fil' W. fratris R. patris ipsius E. & petit versus præfat T.B. execuc' &c. Et pred' T. dicit, quod pred E executionem &c. virtute finis pred versus eum habere non debet, quia dicit quod quidam R. pater ipsius R. patris E. quandam I. R. ad eam in vxor ducend, ac eadem I. ipsum R. ad eum in virum capiend, apud R. in Comitatu N. ad inuicem affidarunt, Et post modum bannis inter ipsos per tres dies festiuos à se distantes in Ecclesia Parochiali de R. solemniter proclam, cæteris que concurrent in ea parte canonice requisitis, sponsalia inter eosdem R. & I. in facie Ecclesiæ eiusdem fuerunt legitime ac solemniter celebrat, infra quæ sponsalia ijdem R. & I. apud R. predict' habuerunt exitum inter eos ibidem genitum & natum prædictum patrem prędict' E. ac quendam S. medium, & post ipsius S. nativitatem, prædict' W. in fine pred' nominat, ipso W. iunior, cui prędict E. se facit consanguin, & hær', & p̄dict' R. pater R. & I. postea obier, & predict R. fil' R. fil' R. habuit exitum ibidem predict' E. & obijt, ipsaque E. postea obijt sine herede de corpore suo exeunte, dicto W. E. viro suo in dicto fine nominato ipsam superuiuente, & ipse W. postea obijt, post cuius mortem prædictam T. & M. in prædictum messuagium &c. in prædictis villis de E. & M. intrauerunt vt in remanere suo prędicto, & inde seisiti fuerunt in dominico suo vt de feodo talliato virtute finis prædict' & obierunt sine hered de corporib' suis exeunt, post quorum mortem, quidam I. R. vt consanguin & hæres p̄d E. viz. fil' S. fratris R. patris Sci.fe. return' Cosinage alleaged. Barre que sue' fuit heire que estate il ad.

patris prędict' E. in teñt illa cum ptiñ intrauit, & inde fuit ſeiſit in dominico ſuo vt de feod virtute finis p̄d, cuius quidem I. R. ſtatum p̄d T. B. modo habet in eiſdem, Et hoc &c. vnde pet &c. ſi execuc' &c.

Coſinage maintaine. Et p̄d' E. dicit, q̄ ipſe ab executione meſſ. &c. in p̄d villis de E. & M. verſus pref. T. hēd, per aliqua p̄allegata, excludi non debet. Quia dic' q̄ diu ante p̄d ſponſalia int̄ p̄f. R. patrem R. & I. R. vxor eius celebrata, idē R. pater ipſius R. ipſam I. ad eam in vxor ducend' ac eadem I. ipſum R. ad ipſum in virum capiend apud M. in pred Com̄ B. ad inuicem affidarunt, ac concurrentib' omnib' & ſingulis de iure in ea parte canonice requiſit. ſponſalia inter ipſos R. & I. in facie eccleſiæ &c. fuerunt ſolemniter ac legitime celebrata, infra quæ ſponſalia, p̄d R. pater R. & I. vxor eius apud pred villam de M. habuerūt exitū inter ſe, viz. patrem p̄d' E. & p̄d W. in fine prędict' nominatū filium ſuum medium, cui p̄d E. ſe facit conſang' & hær, & p̄dict' S. fil' ſuum iuniorem, Absq; hoc q̄ pred' S. fuit fil' pred R. patris R. & I. vxor eius ſenior pred' W. ꝓut pred' T. B. ſuperius allegauit. Et hoc &c. vnde pet iudicium & execution̄ &c. Et præd' T. B dicit q̄ præd' S. fuit fil' prędict' R. patris R. & I. vxor eius ſenior p̄f. W. in form̄ qua ipſe ſuperius allegauit. Et de hoc &c. Et prædictus E. ſimiliter, & quia Iuſtic' hic nondum auiſantur, an dictus exitus placiti præd'

Venue. triari debet p̄ homines de viſu de M. in dicto Comitatu E. vel per homines de viſu de R. in dicto Comitatu W. aut per homines de vno viſu & alio, dies datus eſt partib' præd' ad audiend iudicium ſuum, hic in octabis Hill' &c.

Coſagne allege in ſci. fac'. Et ſuper hoc prēd' W. L. dicit quod ipſe eſt conſang' & hæres præd M. videlicet fil' I. fil' I. fil' I. fil' ipſius M. geniti & nati apud T. in Comitatu N. inter I. L. de T. quondam virum prædict' M. & ipſam M. poſt ſponſalia inter eos ibidē celebrata, & petit verſus præfat W. & A. execuc' &c. Et p̄d W. & A. non cogn̄ aliqua in breui præd' p̄ pred' W. L. p̄allegata contenta, ac proteſtando quod ipſi ad genitur & natiuitat pred I. fil' M. tam ſuſpecta extra modum & tempus ſuperius allegat neceſſe non habent nec per legem terræ tenentur rn̄dere, proteſtand etiam quod p̄d M. primo cepit in virum quēd I. L. de M. qui quidem I. & M habuerunt exitum inter eos quend I. idemque I. poſtea obijt ſine hær maſc' de corpore ſuo & corpore pred M. procreat, pro plac' dic' quod pred W. vt conſang' & hær præd' M. execuc' p̄d' manerij de W. cum ptiñ, vnde &c. virtut finis præd' verſus eos habere non debet, quia dicit, q̄ diu poſt mortē p̄d I. L. de M. & ante aliqua ſponſalia inter prēd' I. L. de T. & M. habit ſeu celebrat, tam I. de H. p̄f. M. ad ipſam in vxor, quā ead M. ad ipſum I. ad eum in virum habend', apud C. in Com̄ S. inſimul affidarunt, ibidemq; poſt banna inter eos in eccl' &c. per tres dies feſtiuos à ſe diſtant ſolem̄ proclam̄, fuerunt deſponſalia inter ipſos I. de H.

&

& M. in facie eiusdem Ecclesiæ celebrat, & ipsi ibidem legitimo matrimonio copulati, infraque desponsalia tota vita ipsius I. de H. ibidē continuata, & inter aliqua sponsalia inter pręt I.L. de T. & M. habit seu celebrat, p̄dict I. de H. & M. habuerunt exit inter eos quendam N. apud C. prædict genitum & natum, & finem prædict in forma p̄dict leuauit, & prædict A. quę fuit vxor W. postea obijt, post cuius mortem p̄dict I. de H. & M. fuerunt seisiti de p̄dicto manerio de W. cum pertinentijs in dominico suo vt de feodo talliato, feodo & iure simplici in p̄sona ipsius M. quiescente virtute ipsius finis p̄dict, & de tali statu inde obierunt seisiti, & de ipsis I. de H. & M. descend idem manerium de W. cum p̄tinentijs eidem N. vt fil' & hæred ipsorum I. & M. Qui quidem N. in manerium illud cum pertinentijs intrauit, & inde fuit seisitus in dominico suo vt de feodo talliato feodo & iure simplici inde in persona ipsius N. vt fil' & hered ipsius M. quiescent per formam finis prędicti, & habuit exit quend H. apud C. prædict genitum, & obijt, & de ipso N. descend prædict manerium de W. cum pertinentijs vnde &c. eidem H. vt fil' & hæred eiusdem N. qui quidem H. in manerium illud cum pertinentijs intrauit, & inde fuit seisitus in dominico suo vt de feodo talliato, feodo & iure simplici inde in persona ipsius H. quiescente per formam finis prædict, & sic inde seisitus feoffauit quosdam I. & E. &c. de eodem manerio cum pertinentijs, habend eis, & hæred suis imperpetuum, virtute cuius &c. in feod, quorum quid' I. &c. statum prædict W. & A. modo habent in eodem manerio &c. & hoc &c. vnde petit iuditium si prædict W.L. executionem eiusdem manerij de W. cum pertinentijs, virtute finis prædict versus eos habere debeat &c. Et prędict W.L. non cogn aliqua per præfat W. & A. prędallegat esse vera, immo minus vera & imaginata, & protestando etiam quod genitus & natiuitas prædict I.L. fil' M. p̄ ipsum W.L. in dicta declarac' sua de consanguinitate quo modo est consang' & hæres ipsius M. contenta sunt & fuerunt vere & legitime & non suspective allegata, prout per diuersa recordat tam in Cancellar' coram Cancellario, & in Scaccario coram Barronibus, quam in Thesl. domin' Regis inter records de placit armorum coram nuper Constabulario Angli' tenis residen', necnon & quamplura euidentia, munimenta vera, iusta & sufficien', ac pro talibus in lege approbata & confirmata plene liquet, Pro plac' dic', q̄ ipse ab executione dicti manerij de W. cum pertin̄ virtute finis pred' habend' per aliqua per p̄d' W. & A. inde prędallegat, excludi non debet, quia dicit quod pred' I. L. de M. & pred' I.L. de T. fuerunt vna & eadem persona & non diuerse persone, & qd idem I. tota vita sua, tam per nomen I.L. de T. quam per nomen I.L. de M. nominatus & cognitus fuit, quodque dict' sponsal' inter pref. I. L. de T. & M. concurrentibus prius, q̄ in ea parte de iure canonice requirebant, apud præd' villam de T. in facie Ecclesiæ parochialis eiusdem

villæ

ville fuer̃ ſolemniter celebrata infrà quę ſponſalia ijdem I.L. & M. habuer̃ exitum inter ſe predict̃ I. L. fil' et hęred̃ pred' M. ibid' genitum & natum, in forma qua pred' I. L. per dictam declarac' conſang' predict̃ ſupponitur, quæ quidem ſponſalia inter ipſos I.L. & T.M. ſic celebrat̃ ibidem continuat̃ fuer̃ tota vita eiuſdem L. et poſt mortem eiuſdem I. prædict' M. cepit in virum pred' I. de H. abſq; hoc quod pred' deſponſalia inter præfat̃ I. de H. et M. per præd' W. et A. preallegat̃ habita ſeu celebrata fuerunt ante dicta ſponſalia inter predict̃ I. L. de T. et M. celebrat̃ put ijdem W. & A. ſuperius allegarunt, et hoc &c. vnde petit iudicium ſi executionem &c. Et præd' W. et A. dicunt, quod prędicta deſponſalia inter pred' I. de H. et M. per prædict' W. et A. præallegata, habita & celebrata fuerunt ante dicta deſponſalia inter prædict' I. L. de T. et M. celebrata in forma qua ijdem W. et A. ſuperius allegat̃, & de hoc poñ &c. Et præd' W. ſimiliter, Ideo præc' eſt tam vic' N. quam vic' S. quod &c.

Barre que le demandant fuit nec hors de les eſpouſals.

Et præd' P. dic', quod pręd' W. execuc' verſus eum habere non debet quia dicit quod, vbi præd' W. per breue ſuum predict̃ ſupponit et aſſerit ſe fuiſſe filium et hæredem præd' T. idem W. natus fuit extra omnia ſponſalia, & hoc paratus eſt verificare, vnde petit iudicium ſi prędict̃ W. vt filius & hæres prędict' T. ſeu alterius cuiuſcunque &c. verſus eum habere debeat &c. Et prædict' W. dicit quod prædict' T. pater ſuus habuit quandam vxorem ſibi deſponſat̃ A. nomine, de qua ipſe natus fuit infra ſponſalia inter eos T. & A. celebrata, et hoc paratus eſt verificare, vnde petit iudicium ſi &c. Et executionem ſibi adiudicari &c. Et præd' P. dicit, vt prius, quod præd' W. natus fuit extra, omnimoda ſponſalia, et non infra ſponſalia præd', put pręd' W. ſuperius allegauit. Et de hoc poñ ſe ſuper patriam. Et prædict' W. ſimiliter, Ideo duodecim &c.

Et prædict' I. P. et A. non cogñ quod ipſi, qui fuerunt partes fini predict̃, nec aliquis eorum vnquam aliquid habuerunt vel habuit in tenīs & aduocatiõ in præd' fine content̃, dic' quod præfat̃ E. vt filius et hęres præd' W. execuc' de tenīt & aduocation' verſus eos habere non debet. Quia dic' quod idem W. cepit in vxor̃ quandam M. quæ quidem M. deſponſata fuit eidem W. apud E. in Com̃ S. & ibidem deſponſalia inter eos celebrata fuerunt, & dic' quod idem E. natus fuit apud C. in Com̃ S. ante deſponſalia. Et hoc parati ſunt verificare per patriam de prędict̃ Com̃ S. & qualiter Curia hic conſ. vnde petit iudic̃ tum ſi idem E. execuc' de tenīt & aduocac' pręd', vt fil' vt hæt̃ præd' E. in hac parte verſus eos habere debeat &c. Et pred' E. non cogñ aliqua per ꝓd' I. P. & A. ſuperius allegat̃ dic' quod ipſe per aliqua ꝓallegat̃, ab executione de tenīt & aduocac' pręd' virtute finis pręd' precludi ſiue repelli non debet, quia dicit quod ꝓd' W. pater ipſius cepit in vxor̃ præd' M. vi. apud M. in

Borne before mariage.

dicto

dicto Com E. & ibid desponsalia inter eos modo legitimo et secundum forum ecclesiast cum celebrat fuerunt, et dicit quod ipse ibid' infra desponsalia alia inter ipsos W. & M. celebrata natus fuit et procr, & hoc &c. per patriã de pred Com E. & qualiter Cur hic cons. vnde pet iudicium et execution &c. et pd I. P. &c., dic' quod pred E. natus fuit apud Clin pred Com S. ante desponsalia inter præd W. et M. celebrat, et hoc vt prius parat' fuit verificare per patriam, et qualiter Cur hic cons. &c. Et pred E. dicit quod ipse natus fuit et procr fuit infra desponsalia inter præd W. & M. celebrata, videlicet apud M. in prædict' Com E. et hoc vt prius paratus est verificare per patriã de pred Com E. et qualitercunque cur hic cons. & quia videtur Curiæ hic q̃ exitus placiti pd per homines de vtroq; Com pred triari debet. Ideo prec' est vtriq; vicecom Com pred quod vterque eorum venire faciat hic tali die, duodecim &c, per quos &c.

Triall.

Rex Io. ead' gratia L. Episcopo saluꝫ, cum I. M. filius P. fratris G. B. in Curia nostra coram nobis q̃ quodd' breue hr̃ vndesci. fac. quosd' I. A. & P. G. de quodam mess. cum pertiñ in F. implicauerit, ipsique I. A. & P. iuxta debit premunic' virtute dicti breuis nostri sibi fact', coram nobis comparentes allegauerunt ipsum I. fore bastard, hoc pretendendo verificare, & quia huiusmodi cause cognitio ad forum mere spectat ecclesiast' vobis mandamus, quod vocat coram vobis, quos in ea parte fore viderit euocand, diligent inde faciat inquisitionem, et plenariam veritatem inde per literas vestras sub sigillo vestro sigil' nobis in oct' &c. vbicunq; tunc fuerimus in Angl', reddat certiores, et hoc breue nobis nunc remittentes. Teste &c.

Briefe al euesq to certifie bastardie.

Et modo hic ad hunc diem venit tam pred' I. B. per B. attorn' suum, quam prædictus I. H. in propria persona sua, & vic' mand q̃ scire fecerit eid I. H. essendi hic ad hunc diem &c. ostensum fuit in forma pred per N. B. &c. probos &c. et super hoc pred I. E. petit versus pred I. H. execuc' &c. Et pd I. H. dic' q̃ pred I. B. execuc' de mess. pred cum pertiñ virtute finis pred versus eum habere non debet, qua dicit quod ead' I. fuit seisita de eisdem messuag' cum pertiñ in dñico suo vt feodo talliato virtute finis illius, cuius quid I. statũ pred I. H. modo habet in messuag' illis cum pertineñ, et sic dicit quod finis pred execut fuit in persona pred I. per seisinam suam virtute finis illius, & hoc paratus est verificare, vnde petit iudicium si pred' I. B. execuc' mess. pred cum pertiñ virtute finis predict' in forma pd execut in hoc casu versus eum habere debeat &c. et pred' I. B. dicit q̃ ipsa ab execuc' mess. pd cum pertiñ versus pd I. H. habed p aliqua prea leg' excludi non debet. Quia dicit quod pred' I. non fuit seisita de pred mess. cum pertiñ virtute finis pdict' in forma qua pred I. H. superius allegauit, et hoc pet quod inquirat per patriam, & pred' I. H. similiter, Ideo &c.

Return Scire facias.

I. to whom the plain. maketh himselfe heire was seised, whose estate the tenant hath.

Et

Et pred' T. R. quoad octo acr' bosci cum pertinentijs in pred' villa de H. vnde executio modo secuta est versus eum, dicit quod prædict' R. vt H. qui fuerunt partes fini pred', tempore leuacionis eiusdem finis ante, seu, post, nihil habuerunt in eodem bosco cum pertinentijs vnde &c. vt de libero tenemento, immo quidam I. M. tunc finis inde seisitus in dominico suo vt de feodo, cuius quid' I. statum inde, pred' T. R. modo habet, & die impetrac' pred' breuis de Scire facias habuit in bosco illo cum pertinentijs, & hoc paratus est, verificare, vnde petit iudicium si pred' P. fil' P. executionem earund' octo acrarum bosci cum pertinen' virtute finis prædict' in hoc casu vers. eum habere debeat &c. Et quoad præd' centum solidatos reddit' cum pertinentijs in eadem villa de H. vnde executio similiter modo secuta est, idem T. vlterius dicit, quod ipse non est inde tenens, perceptor neque deforc' reddit' illius cum pertinen', neque tenens tenetorum, vnde idem redditus illius cum pertin' proueh', vt de libero tenemento, nec fuit die impetrac' præd' breuis de Scire facias aut vnquam postea. Et hoc paratus est verificare, vnde quoad redd' illum cum pertin' pet' iudicium de breui &c. & prod' P. fil' P. quoad dictum redditum centum solid', dicit q̄ die impetrationis breuis sui de Scire facias, scilicet die &c. anno &c. pred' T. R. fuit tenens vt de libero tenemento de viginti acris terræ cum pertinentijs in pred' villa de H. vnde redditus ille cum pertinentijs prouenit. Et dicit quod idem T. tunc fuit deforc' eiusdem redditus cum pertinentijs vt de libero tenemento, prout per idē breue supponitur: Et petit suo periculo executionem eiusdem redditus cum pertinentijs versus eum audiciari &c. Ideo &c. quoad redditum illum cum pertinentijs, consideratum est quod predict' P. fil' P. habeat inde executionem suo periculo versus pref. T. R. virtute finis prædict' &c. Et quoad p̄dict' octo acras bosci, cum pertin', vnde &c. idem P. fil' P. dicit, quod tempore leuationis finis p̄dict', predict' T. & G. qui fuer' partes fini illi, fuerunt seisiti de eodem bosco, cum pertinen', vnde &c. in dominico suo vt de feodo &c. prout per eundem finem supponitur. Et hoc petit quod inquirat per patriam et pred' T. R. similiter, Ideo quoad hunc exitum 12. &c.

Scias quod consideratum est in Curia n̄ra &c. quod P. B. filius & heres P. B. habeat executionem versus T. R. de centum solid' redditus cum pertinen' in H. virtute cuiusdam finis inde leuat' in Curia domini E. quondam Regis &c. apud W. in oct' &c. anno &c. coram W. B. & socijs suis tunc Iusticiarijs eiusdem &c. de Banco inter R. &c. quer', & T. P. & B. vxorem eius deforc', de reddit' p̄d' cum pertinen', ac de alijs terris & tenetis in eodem fine contentis per defalt &c. Et ideo vobis præcipimus, quod eidem P. de reddit' p̄d' cum pertin' sine dilatione plenar' executionem & seisinam habere facias T. &c.

Scias quod consideratum est in Cur' &c. quod R. filius & heres R. habeat seisi-

nam

nam & execuc' versus R. D. de manerio de A. cum ptin in com suo per defalt prędict R. virtute notæ cuiusdam finis nuper leuati in curia pdict R. nuper Regis &c. apud W. a die &c. anno &c. coram R. B. et socijs suis Iusticiarijs prædict nuper Regis de Banco, & postea in oct. &c. anno &c. ibidem concess. et recordat coram eisdem Iusticiarijs et alijs eiusdem nuper regis fidelibus tunc ibi præsentibus, inter R. de A. &c. quer et I. de S. et E. vxor eius deforciant, de manerijs de O. et R. cum pertinentijs in com N. et de prædict manerio de A. in comitat tuo, et ideo tibi præcipimus, quod eidem R. fil' R. de prædict manerio de A. cum pertinen sine dilatione plenar seisinam et executionem habere facias. T. &c.

Habere facias seisinam sur recouery sur defalt in Scire facias.

Postea die et loco &c. venit R. W. infranominat in propria persona sua et W. N. infranominat solemniter exactus non venit, sed I. vxor eiusd W. infranominat in propria persona sua venit, et dicit quod mania infra specificat sunt ius ipsius I. et quod ipsa parata est ostendere, quod pręd' R. W. execuc' de manerijs illis virtute finis infrascript habere non deber, vnde ex quo venit ante iudicium redd parata præf. R. inde respondet et ius suum defender, pet quod ipsa per defalt pf. W. viri sui non amittat inde ius suum, sed ep admittat inde ad defensionem iuris ipsi' I. Ideo &c.

Receite of a feme couert vpon her husbands default.

Certaine cases of the nature and forme of a Sci Fa. vpon a fine.

And a Scire fac' to execute a fine, must agree with the fine, & then it is not materiall, if one thing be twise demaunded thereby, as a manor, and a hundred parcell of the same manor, 27. H. 8. 2. Sect. 179. Surplusage.

A Scire facias may be sued vpon the note of the fine, before it be ingrossed by the Chirographer, 22. H. 6. 13. Vpon the note

But of a fine leuied before time of memorie, a man shall not haue execution by Scire facias, 1. E. 4. 6. Cont 16. H. 7. 9. A fine before memorie.

Where a fine executory is leuied of a Seignior, if the land escheat or the tenant be forejudged &c. the Cognizee shall haue a Scire facias of the land in lieu of the seruices, 48. E. 3. 11. Of land in lieu of the seruices.

A Mittimus maketh no mention whether the fine be ingrossed or no, but, cum quidam finis leuasset &c. 22. H. 6. 13.

If a fine be leuied to A. in taile, the remainder to B. in taile, the remainder to C. in fee: And the record is sent into the Chancerie, and the first tenant in taile dieth without issue, and the record commeth backe into the Bench by Mittimus, at the suit of him in the first remainder, and thereupon he had a Scire facias to execute the fine, and died without issue before execution had, he in the remainder in fee shall not hereupon haue a Scire facias, without a new commandement, because the record was once out of the Court, and came againe at the suit of him in

the firſt remainder, vnto whō he in the remainder in fée is an eſtrang. yet thiſſue of him, which remoued the record, in this caſe might haue a Scire facias, without any new commaundement, becauſe he is priuie, 14.H.7.16. 9.E.4.15. 11.E.4.13.

If to ſue a Scire fac' to execute a fine, and the one dieth, the ſuruiuor ſhall haue a Scire fac' without any new commandement, 1.E.4.13.

But if diuers perſons, as heires vnto A.B. pray a Scire fac' it is not grantable, vntill they haue ſued ſeuerall writs to the Iuſtices of the bench, commanding them to make execution, 1.E.4.13. T.21.E.4.

Cement coſin & heire.

In a Scire fac' to execute a fine, as coſin and heire to him in the remainder or reuerſion, after the death of the particular tenāt, the plaintife nēdeth not to ſhew how coſin and heire, ſo long as the plea hath continuance, by Idem dies &c. giuen to the tenant, nor at his appearance, nor vntill the plaintife pray execution: And then the comen coſin & heire, is to be entred thus in the Roll only: Et prędictus I. dicit quod ipſe eſt conſanguineus & heres I.W. videlicet, filius, et heres T.W. fratris & heredis eiuſdem I.W. 33.H.6.54. 41.Ed.3.13. & 24.8. H.4.31.

Baſtardy.

In Scire fac' by him in the remainder vpon an eſtate taile vers A.B. ſuppoſing the donée to be dead without iſſue, if A.B. plead that he is iſſue to the donée, and the plaintife replieth that he is a baſtard, it is a good replication, 40.E.3.16.

vpon eſtate executed.

Scire facias vpon a fine leuied to L.R. & W. and to the heires of the bodie of R. the remainder to the right heires of the ſaid W. L. died, and R. died without iſſue, and W. ſurniued and died, his heirs nēd no Scire facias to execute this fine, becauſe it is executed in his life, by the vnion of the fée and frank tenement in W. 40.E 3.20. And ſo if a fine be leuied to a baron and feme, and to W. & his heires, and he dieth, and then ỳ baron and feme do die, the fine is executed for one moitie in the life of W. Fitzh. Scire facias 19.43.E.3.9.24.E.3.57.

Ayde.

Tenant for life in Scire facias had aide of him in remainder, 41.E.3. fol.16. & 20. 22.E.3.12.

Death ſhewed.

In Formedon in reuerter or remainder, the demandant muſt mention the death of euerie one, which had eſtate and ſurniued his anceſtor, but not ſo in a Scire facias ſur fine, 42 E.3 19.

Seuerall eſtates.

If the plaintife haue ſeuerall eſtates, created by ons fine, he nēdeth but one writ of Scire fac' 43.E.3.11. though it be of ſeuerall things againſt ſeuerall tenants, 11.H.4.15. 21.E.3.14. 24.E.3.25.

Default.

If in a Scire facias the Sheriffe returne, the parties ſummoned, and he appeare not, execution ſhall be awarded, 43.E.3.13.

Reuerſion.

If a fine ſur cogniſance de droit come ceo &c. be leuied of a reuerſion by the name of the land, it is not executory, 43.E.3.15.

If the ſeruices eſcheat after a fine leuied of the ſeigniory, the Cognizée ſhall haue execution of the land eſcheated, 48.H.3.11. Seigniory.

A Scire facias lieth ſometimes of things not comprized in the writ: as if in a fine ſur releas, the Cognizée render rent in taile, 48.Ed.3.8. Of things out of the writ.

If land be giuen by fine for life, the remainder to baron and feme in taile, and the Baron dieth, and then the tenant for life dieth, and the feme entreth, the fine is executed, ſo as their iſſue needeth no Scire fac' 49.E.3.12. Execution by entry of him in remainder.

Scire facias lieth for the donor in taile againſt any that abateth after the death of the donée in taile by fine without iſſue, 22.E.3.12. Of a reuerſion

Vpon generall Nontenure pleaded, the plaintife may take execution at his perill: But ſpeciall Nontenure ſeemeth a good plea, 7.H.6.25. Nontenure generall or ſpeciall.

A man ſhall not haue execution vpon nihil returned, becauſe the tenant may be ſummoned in the land demanded, 24.E.3.25. Nihil returned

If a fine be leuied to huſband and wife in taile, the remainder to his right heires, and they hauing iſſue, the huſband dieth, the wife hath iſſue by another huſband and dieth, the iſſue by the firſt huſband entreth and dieth without iſſue, and his next heire entreth, as into the remainder in fee, againſt whom the iſſue by the ſecond huſband bringeth a Sc' facias, and recouereth by reaſon that the fee could neuer execute in poſſeſſion in the elder brother, during the ſtate taile, 24.E.3.30. and 62. Demy ſank.

Feoffement with warranty from the plaintifes anceſtor, is a good plea in Scire facias vpon a fine, 22.H.6.39. Feoffement.

The heire ſhall haue his age in Scire facias Cont' Weſtm 2.cap.45. 24.E.3.28. and 60.

What fines with proclamations barre not the iſſue in taile.

NO fine leuied by tenant in taile barreth his iſſue maintenant, but where the tenant in taile is cogniſor, as if tenant in taile bring a writ of couenant againſt an eſtranger, and he recognize the land to be the right of the tenant in taile, as that which he hath of his gift &c. and the tenant in taile grant and render the land to the cogniſor for yeres, yelding rent &c. and die, this fine is void againſt the iſſue in taile, M. 10. and 11.Eliz. Dyer fol.279.p.7.36.H 8.Br.fines 118. Sect.180

A fine with proclamation leuied by tenant in taile, the reuerſion or remainder being in the king, bindeth not the iſſue in taile, as it ſeemeth Br.fines 121. But if ſuch landes were entailed by the king, ſuch fine barreth not the iſſue in taile, 32.H.8.cap.36.

If an Eſtranger leuy a fine to tenant in taile ſur cogniſance de droit come ceo que il ad de ſon done, and he render to him a rent in fee, and die after proclamation, yet the iſſue in taile may auoid it, for hee is remitted, and the rent is another thing then the land, 15.Eliz. Plo.fol. 435.b. per Thornton.

If tenant in taile of an aduowson, grant and render by fine the nomination of the Clerke, it is void, 15. Eliz. Plo. f. 435. b. per Thornton.

If tenant in taile of a rent disseise the tenant of the land, and leny a fine with proclamation of the land, thissue in taile is not barred for the rent, because the fine was not leuied of the rent but of the land, per Thornton, and granted 15. Eliz. Plo. f. 435. b

If tenant in taile grant a rent by fine, his issue may auoid it. 15. El. Plo. 436. 14 Ass. p. 4.

What time after a fine leuied, and proclamation made, any man hath to enter or claime by action, or otherwise, and who are thereby barred forthwith, and who not.

Hitherto of the formes and execution of fines, now let vs see how they may be auoyded.

Sect. 181. TO know what time persons that haue cause to enter or claime, may enter or claime, after a fine leuied, many things are to bee weighed: for some persons haue more time, and some lesse: for the discussing of which question, wee must not onely consider the qualitie of the persons which should claime or enter, but also the qualitie of their rights and estates: And the persons be either such, as are void of impediments, or such as haue impediments: and the same be either parties, or priuies to the fine, or estrangers to the same: And againe, they haue either present right, or future right: And vnto those which haue future right, such haue the same, either wholly after the fine, or partly before and partly after: and some of them haue but one title, and some diuers: and others haue no right to the tenements compriſed in the fine, but to some things therein, or issuing out of the same.

Parties. Parties to fines, void of impediments at the time of the leuying of the same, and their heires, are thereby barred presently, and haue no time at all to auoid the same, by entry, or claime, 1. R. 3. ca. 7. 4. H. 7. ca. 24. whether they be persons hauing naturall capicities, or ciuill.

If they be such ciuil bodies or corporations, as haue in themselues absolute estate and authority of their possessions, so as they may maintaine a writ of right thereof, as Maior and Comminaltie, Deane and Chapter, Colledges, societies corporate and such like, and their successors, and barred by fines presently, Plo. 338. a. T. 20. Eliz.

But Deanes, Bishops, Priors, Abbots, Maisters of hospitals, Parsons, Vicars, Prebendaries, Chauntrie Priestes, and such like, which may not haue a writ of Right, but either a Iuris vtrū, Fitz. Nat. fol. 48 r. or, sine assensu capituli Fitz. Nat. fo. 118. i. are not barred by such fines if the patron and ordinary ioyne not with them, Plo. 538. a. 20. Eliz. 375. b. 11. Eliz.

How

How priuies in blood are bound in fines.

And by the same statutes 1.R.3.c.7.4.H.7.c.24. Priuies in blood as heires of the cognizors, claiming by the same title that their ancestor had that leuied the fine, be barred presently thereby, whether they be void of impediments, or no. As if lands of Socage tenure be giuen to baron & feme, in speciall taile, the remainder to the right heires of the baron in fee, and the baron sole leuieth a fine with proclamation to his owne vse in fee, and after deuiseth the same lands to A. in fee, and hath issue, and then the baron and feme die, the issue in taile is barred, because he cannot otherwise conney himselfe to the title and discent in taile, then the heire of the bodie both of his father and mother, Tr.18. Eli. Dyer f.251.p.24.9.H.8. Dyer f.3.p.6.32.H.8. Br. Fin.109. Sect.182. Priuies.

So if husband and wife, tenants in speciall taile, haue issue, and the wife die, and the husband maries another wife and haue issue, and leuie a fine sur cognisance de droit come ceo &c. and by the same fine take estate in speciall taile, the remainder ouer &c. and die, thissue by the first wife is barred, because he is priuie in blood, the continuance of the possession in the husband notwithstanding, 32.E.3. Dyer pl:16. El. f.334 p.31.& 32. Priuies.

But if my fathers brother disseise him, and leuie a fine with proclamation, and my father and vncle within v. yeares after proclamation die, yet may I auoid it by entry, at any time before the end of the said v. yeares, notwithstanding that I am priuie in blood vnto my vncle, for that my title to the land groweth by my father, and not as heire vnto my vncle, P.19.H.8. Dyer fol: 3.p.2. Priuies.

Neuertheles, if my father disseise my grandfather of an estate in fee, & therof leuie a fine with proclamation, & first my grandfather, & then my father die, I am now barred, as priuie, because I cannot otherwise conney my selfe to the lands then as heire vnto my father the cognizor, P.19.H.8. Dyer f.3.p.3.

Of estrangers hauing present right, and no impediment.

But Estrangers to fines (which be all persons, not parties nor priuies) and being void of impediments naturall and legall, and hauing present right to the lands in the fine, haue only v. yeres after proclamations, to enter and claime their right, 1.R.3.c.7.4.H.7.c.24. Sect.183.

As if one haue a remainder, or a reuersion, depending vpon an estate for yeres, or by Statute Staple, Statute Merchant, or Elegit, and ỳ termor be disseised, and a fine leuied &c. and v. yeres passed, they be all barred therby: for that these termors might presently haue entred, & he in the reuersion or remainder for such disseisin might haue had an Assise: So the statute 4.H.7.c.24. (semely to barre the termors through negligence, by this word interest, which comprehendeth a terme. Plo. f.374.a Tenant in remainder or reuersion vpon estate for yeres or at will.

And if a tenant in taile be disseised, and a fine leuied with proclamation, and v. yeares past, and the tenant in taile dyeth, thissue in taile is bound for euer, p Dyer and Catlin, for the right was present to the tenant in taile at the time of the fine leuied, and he cannot claime, but by the same title, which his father had, which was barred in his life time, Plo. fo. 374. a. Dyer. fo. 3. pl. 6. 19. H. 8. 7. The like it is of the laches of him in the remainder or reuersion, for it barreth him and his heyres, Plo. fol. 374 a. Dyer. fol. 3. p. 6.

Of Estrangers hauing present Right, and impediment.

Sect. 184. BVt Estrangers to fines, pestered with impediments of Infancie, couerture, madnesse, ideocy, lunacy, imprisonment, or absence out of the Realme at the leuying of fines, and hauing then present right, or interest, haue yet liberty fiue yeares after such infirmity removed to make entrie or claime &c. 1. R. 3. c. 7. 4. H. 7. ca. 24.

Infants. And therefore an Infant hath v. yeares, after he accomplish his full age (though he be in his mothers womb) Plo. fol. 367. a. because the law intendeth that infants by reason of their tender yeares, doe want vnderstanding, to know their right, and whether their entries be lawfull or no, And how to make their entries and claime, or bring their actions according to their title, Plo. fol. 359. 4. H. 7. ca. 24.

Yet if my fathers brother disseise him, and leuy a fine with proclamation, and a yeare after the proclamation my father dieth. And after and within 5. yeres my vncle dieth, I by reason of my Infancy haue onely so much time to auoid the same, as at the death of my father remained to come of the fiue yeares next after the Proclamation, and not new fiue yeares, because I claime by the same title that my father had, in whom the first fiue yeres were attached and begun, Dyer. fo. 3. p. 2. In like maner, and for the same reason, if the father, or other ancester be disseised, and the disseisor leuie a fine with proclamation, and within fiue yeares after the proclamation, the ancestor dieth, his heyre being within age, yet if he make not his entry, or claime within the first fiue yeares after the proclamation, he is barred, Plow. fol. 367. b. 377. a. And it is there adiudged.

Non sanæ memoriæ. Madmen, and lunatickes, estrangers to fines, haue the like liberty to enter or claime, that Infants haue for their indiscretion, 1. R. 3. c. 7. 4. H. 7. c. 24. Yet as it seemeth, if non sanity of memory happen after the fine leuied, and before the last proclamation be made, the parties be not tied to make claime or entry, during the first v. yeres, but shal haue v. yeares after they be cured of their said maladies, betwixt they grow by the act of God, Plow. fol. 375. a. & 366. a.

Couerture. And a feme couert, being an estranger to a fine, hath fiue yeares after she be discouert, to pursue her right, for that during the couerture

the

the wanted power to do the same without her husbands consent, who perchance would neither doe it, nor suffer it to be done: Notwithstanding a feme sole, being an Estranger to a fine, and haue present right &c. take a husband, who suffereth the fiue yeres to incurre, she is thereby barred for euer, because it was her own voluntary act and folly to marry such an husband, Plo. fol. 336.a.

Estrangers to fines, imprisoned at the time of the fine leuied, haue the like liberty to auoid fines that infants haue, because the law intendeth, that prisoners are so closly and straitly kept from the conference of others, ỹ they know not what hapneth abroad: and do also want liberty to take counsel, and make their entries and claims, and therfore no laches is in this behalfe imputed to them, Pl.f. 360.a.& 366.a. But if such imprisonment happen after the fine leuied before the last proclamation made, it seemeth he shal haue fiue yeres after his inlargement, because the imprisonment is not his voluntary act, Pl. 375.a. 366.a. Imprisonment.

An Estr. to a fine, being out of the realm at the leuying therof, hath fiue yeres after his return to enter or claim. But if he had bin in Engl. at the leuying of the fine, and after had gone beyond the seas, and suffered the fiue yeres after proclamation to passe he had bin barred, Pl.f. 366.a.7.El.4.H.7.c.24. But if he be sent beyond the seas in the kings seruice by his commandement, it seemeth otherwise. Out of England.

And such ciuil bodies or corporations as haue in themselues absolute estate and authority of their possess. so as they may maintaine a writ of Right therof, as Maior and communalty, Dean and chapter, colledges, societies incorporate, and suchlike, they and their successors, are barred by fine and nonclaime by fiue yeres, Plo.f.538.T.7.10.Eliz. Corporations.

But Deanes, Bishops, Priors, Abbots, masters of hospitals, Parsons, Vicars, Prebendaries, Chauntry Priestes, and such like, hauing ioint power, and which may not haue a writ of right, but either a Iuris vtrum, Fitz. Nat.f.48.r.or, sine assensu capituli, Fitz Nat.f.118.i. are not barred by such fines, and nonclaime by fiue yeres, Plo.538.a.10.Eliz. 375.b.11.Eliz. Corporations.

Of Estrangers hauing diuers defects.

AND moreouer, estrangers to fines, hauing diuers defects or infirmities, as infancy, couerture, nonsanitie of memory, imprisonment, absence out of the realme, to auoid fines, must haue fiue yeares after the last of the said infirmities remoued, Plo. 375.a. Sect. 185

But if they haue diuers impediments, which be al, once after ỹ proclamation, wholy remoued, and after they fall into the like again, & die, their heires are not to haue new 5. yeres, but the first 5. yeres begun in their ancestors, immediatly after their first impediments so remoued, shal proceed, & nonclaime of their heires, during all the residue of the

said fiue yeares, hindreth them as their said ancestors should haue been preuented thereby, if they had remained void of such impediments during all the said fiue yeares, Plow.f.375.a

Of Estrangers, without impediments, hauing future right for cause precedent.

Sect.186. THus much of Estrangers to fines, hauing present right, now of such as haue future right: which right is of two sorts: for it groweth either wholy before the proclamation, or partly before, and partly after the same.

And therefore Estrangers to fines, void of the said impediments, whose right, title, claime, or interest first groweth, remaineth, discendeth, or commeth to them after the proclamation, by force of any matter or cause had or made before the same, haue onely fiue yeares, after such right, &c. first groweth, discendeth, remaineth, or commeth vnto them, 1 R.3.c.7.4 H.7.c.24. As if a Morgagee be disseised, and the disseisor doth leuy a fine with proclamation, and the fiue yeres after the proclamation the mortgagor payeth or tendreth the money according to his bargaine, he may lawfully enter at any time within fiue yeares after the said payment or tender, because his title first accrueth thereby after the proclamation, by reason of the condition and mortgage made before the same, Plow.fol.378.a.b

In like manner, and for the like cause, hee which hath a Remainder or Reuersion, depending vpon an estate of freehold, hath fiue yeares, after that his remainder or reuersion accrueth, to enter &c. And his heire if he die before entry &c. hath onely fiue yeares, after the death of the particular tenant, to enter. Plow.fol.374.a.b

And if the tenant in taile leny a fine with proclamation, after the fiue yeres he dieth without issue, the donor hath fiue yeares after his death, to bring his formedon in Reuerter, because he is the first vnto whom the right commeth after the proclamation for cause precedent, Plow.fol.374.a

And if tenant in taile discontinue in fee, and the discontinuee leuieth a fine with &c. and fiue yeres do passe, and the tenant in taile dieth, yet his issue hath fiue yeares after his discender, to bring his formedon in discender, because hee is the first to whom the right of the entaile commeth after proclamation by force of the gift in taile made before the fine. Plow.374.a 19 H.8.7. Dyer f.3.p.5

Of Estrangers with Impediments having future right:

Sect.187. AND estrangers to fines, hauing future right for any cause precedent the fine, being affected with such impediments, when their right first accrueth, haue fiue yeres after such impediments removed, to pursue for the same, 1 R.3.c.7.4 H.7.c.24. As infants, as well those which

which be borne, as those which be in their mothers womb, when such right happeth to them, Plo. fol. 367. a Femes couert, mad men, lunatikes, prisoners, persons beyond the sea, as appeareth before where it it is spoken of them having present right. Plo. 366 a. 7. Eliz.

As if man haue issue a son and a daughter, which sonne purchaseth lands and dieth: and the daughter entreth as his heire, and is disseised by A. who leuieth a fine, and fiue yeres passe without claime. And ten yeres after the father hath another son, which is heire to his brother, he shal haue new fiue yeres after he come to his full age, because he is the first to whom the right discended after the proclamation, by reason of the discent which was before them. Plo. fol. 374, b

But if an estranger to a fine, to whom a remainder, or other title, first accrueth after the fine, do not pursue his right within fiue yeres, he and his issue are barred for euer. 16 H. 8. Dyer fol. 3. pl. 6

And in like maner, if the first issue in taile, to whom the title of the intaile first accrueth, neglect his fiue yeares, the whole estate taile is thereby bound for euer. 32 H. 8. Br. Fines 100.

If he which abateth after the death of a tenant in fee, make a feoffement vpon condition, and the feoffee leuy a fine, and fiue yeares after proclamation passe without entry or claime made by his heire, ỹ heire is barred: But if afterwards the condition be broken, and the abator therefore enter, then the heire may haue an Assise of mordaunceſter against the abator, or entry vpon him at any time, & he hath no defence. For if he pleade in barre of thassise the fine leuied to the cognisee, and that he hath his estate, the speciall matter of the abatement, condition, and reentry may be pleaded in defence thereof, for hee can neuer challenge priuiledge by the estate of the cognisor, which he himselfe defeated, Plo. fol. 358. b. 7 Eliz.

Of Estrangers hauing no right for any cause before the fine.

BVt Estrangers to fines, hauing neither present, nor future right &c. at the leuying thereof, by reason of any matter had before the fine, whose right groweth either intirely after the proclamation, or partly before, or partly after, may enter or claime when they please within the time of the prescription. Sect. 188

As if the father die seised, his eldest sonne being professed, and the yonger sonne entreth, and is disseised, and a fine with a proclamation leuied, and after the elder sonne is deraigned, it seemeth he is bound to no time. Plo. fol. 357. a

So if the husband leuy a fine of his owne lands, whereof his wife is dowable, and die, and fiue yeres passe after his death, she is not barred of her dower, because her title to be endowed accrued after the fine leuied, Dower.

leuied, namely by the death of her husband, for before his death she had onely possibility of power, and not any right, title or interest thereunto Plo. fol. 373.

And if a tenant cease one yeare, and then a fine with proclamation is leuied: And afterwards a tenant, ceaseth another yere. The Lord may haue his cessauit per biennium xx. yeares after the proclamation made, because his right and title groweth partly before the fine, and partly after the fine leuied, that is at the ende of the two yeares of his tenants ceasser, Plo. fol. 373. b

Of Estrangers, hauing diuers future Rights by diuers titles.

Sect. 189 But if Estrangers to fines haue seuerall future Rights, by diuers titles growing at seuerall times, it seemeth, that they shall haue seuerall fiue yeares, to make entry or claime, commencing from such time as their seuerall titles first accrew vnto them: As if tenant for life, the remainder in fee make a feoffement in fee: And the feoffee leuie a fine with &c. and he in the remainder suffer the first fiue yeares to passe, hee is by his laches barred of his entry, for the forfeiture growing by the alienation of his tenant during his tenant for life, because hee had present right at the leuying of the fine to enter for the same, yet if after the tenant for life doe die, he hath other fiue yeres to bring his Formedon in Remainder, because that is a new title or right by which hee could not haue his Formedon during his tenant for life. And hee had his election to take aduantage of the forfeiture or not, Plo. fol. 573. b. Quere, for there Catlyn thinketh otherwise, because his to the land by the forfeiture accrued to him in the life time of his tenant for life.

If I. S. be tenant pur auter vie, the remainder to another for life, the remainder to the same I. in fee, and I. S. is disseised, and the disseisor leuieth a fine with proclamation, and the fiue yeeres passe, I. S. is bound for his future and present estate for life: But if cestuy qui vie and he in the meane remainder die, now I. S. shall haue other fiue yeeres to enter for his remainder in fee, for it then first remaineth vnto him by the death of him in the meane remainder, and cestuy qui vie, for cause growen wholly before the fine, that is, the state so made before, which is another title, Plowden 367. b. per Welshe, and diuers Iustices, Plo. 367. b.

In like maner, if land be giuen to I. S. for the life of A. the remainder to him for the life of B. the remainder to him for life of C. and he is disseised, and the disseisor leuieth a fine with proclamation, now I. S. for his present right, hath fiue yeres by the first Saving of the St. 4. H 7. ca. 24. And fiue yeres after the death of A. by the second Saving, which is of future right, and other 5. yeres after the death of B. for his second

second remainder, for quando duo iura in vna persona concurrunt, æquum est ac si essent in diuersis, Plow. 368. a.

If a man disseise a feme sole, and after marrie her, and haue issue by her, & the baron is disseised before mariage or after, and a fine with proclamation levied, first ỹ barō, and after ỹ feme die within the v. yeres, the issue being of full age, the v. yeares passe, he is thereby bound, as heire to his father, but hath other v. yeres after the death of his mother, to enter, for albeit it is but one selfe same land, yet the heire hath seuerall rights thereunto growing at seuerall times, thone as heire to his father, thother as heire to his mother, in regard whereof he hath seuerall times, Plow. 367. b.

So if ỹ husband maketh a feoffement of his wiues lands, vpon condition, which is broken, he leuieth a fine with &c. ỹ husband hath issue by his wife, and dieth, the first v. yeres passe, & then the wife dieth, the heire is barred of his entry for the condition as heire to his father, but shall haue fiue yeares after the death of his father, to claime &c. because it is a title differing from that which did discend from his father accruing to him first by the death of his mother, Plow. 367. a.

Estrangers to fines, hauing neither present, nor future right, to the tenements in the fine, at the leuying thereof, but onely vnto rents, commen &c. issuing out of the same.

And estrangers to fines, hauing neither present, nor future right to the tenements in the fine, but to som thing, in, or issuing out of ỹ same, seeme not barrable at all, by any such fine and nonclaime. As if a tenant in ancient demesne leuie a fine with &c. at the common law of his land in ancient demesne, the lord in ancient demesne may haue his writ of Deceipt, and thereby auoid the fine at any time, and thereupon his tenant shall be restored to the land, because the Lord claimeth not the land, whereof the fine is levied, but his ancient Seigniorie and services issuing out of the same, Plo. 370. b. Sect. 190.

It seemeth, such fines doe not barre such Estrangers, as haue rent, common, way, estouers, nor any such charge out of the land, for it seemeth that these fines extend only to bind the state, title, right, claime, entrie, and interest, in, and to the land, and no profites to be taken out of the lands, nor to take any power giuen to executors or others to sell the land, Brooke tit. Fines 123.

Pleas to auoide Fines.

IT is a good plea to say, that I. S. was seised *tempore leuat'*, and before the fine levied, without that that the parties to the fine, had any thing Sect. 191.

thing therein at the time of the fine leuied, 9.H.4.27. 3.H.6.27.

Or to say, that the parties to a fine had nothing &c. but A.B. whose estate he hath, Et de hoc ponit se super patriam, 33.H.6.18. 26.H.6.f.9. 42.E.3.10. 4.H.4.8. 14.H.4.33. 4.H.7.ca:24.

If there be two R.D. of one name, and the one leuie a fine of ỹ land of thother, thother may auoid the fine by pleading, that there be two of one name, & thother R.D. leuied the fine, and not he: And in like maner if any stranger leuie a fine in the name of another, that is owner of the land, 34.H.6.19. Contrã 19. H.6. 44. because it is a matter of record, therefore he hath no other remedie in such case, but an action of deceipt.

Neither parties to fines, nor their heires may pleade in auoydance thereof, that before the leuying, and at the leuying of the same, & since the demandant, or plaintife, or their heires, were alwaies seised of the lands conteined in the fine, or parcell therof, Stat de finib' 27.E.1.c.1. 12.E.4.15. & 19. yet by Fairefax, if tenant in taile, the remainder in fee, leuie a fine sur cognisance de droit come ceo &c. he in the remainder may auerre the continuance of possession, notwithstanding the fine and statute, because he is neither the partie, nor his heire, and so may a feme couert, where her husband sole leuieth the fine, 12.E.4.12.

The issue in taile may auer continuance of possession against a fine sur cognisance de droit tantum, or surrender, but not against a fine sur cognisance de droit come ceo que il ad de son done, because that fine is executed, and the other executorie, 12.E.4.15. & 19.11.H.4.85.

Of a writ of Error.

Sect.192. A Writ of Error to reuerse a fine, lieth where there is Error in any fine, and thereby not the Record of the fine it selfe shall be remoued, but the transcript thereof, vpon which transcript of the note of the fine, the plaintife may assign his errors: And if the Iustices think, that the point assigned for error, is error, they may send for the note of the fine, & reuerse the same. Fitz.nat.fo.20.f. As if a barõ & feme leuie a fine to an estranger, the feme being within age, they may haue a writ of error to reuerse the fine, for this cause during her nonage, Fitz. nat.21.d. 27.ass.pl.17. 50.E.3.4. And when a fine is to be reuersed by error, the course is for the plaintife in the writ, to haue seuerall writs of Error, one directed vnto the chiefe Iustice of the court of Common pleas to certifie the record and proceese of the fine, another vnto the Custos br. of the same Court to certifie the transcript of the foot of the fine, and the third vnto the Chirographer to certifie the transcript of the record and proces of the fine: the seuerall formes whereof be as followeth.

A writ of Error directed vnto the chiefe Iustice of the Court of Common pleas.

Rex &c. dilecto & fideli suo Edm. Anderson militi, Salutem. Quia in record' & processu, ac etiam in leuatione cuiusdam finis in Curia nostra coꝝ vobis & socijs vris Iustic' nris de Banco, apud Westm̃ in octab. S. Michaelis vltimo preteritis, per breue nostrum de conuentione inter I.G. seniorem armig' & M. vxor eius, & I. G. iuniorem gener querent & G. H. deforc', de manerio de G. cum pertinen', ac de vno mess. 15. cotagijs, quindecim toftis, quatuor horreis, quindecim gardinis, duobus pomarijs, ducent' acr' terræ, octaginta acr' prati, centum acris pasturæ, sex acris bosci, trescentis acr' moræ, & communia pastur' pro omnibus auerijs cum pertin' in G. in com̃ Ebor' leuat', error intervenit manifestus ad graue damnum ipsius G. sicut ex querela sua accepimus; Nos errorem, si quis fuerit, modo debito corrigi, & eid' G. pleñ & celerem Iustic' fieri volentes in hac parte, vobis mandamus quod recordum & processum finis pred', cum omnibus ea tangen̄, quæ in custodia vestra existunt, vt dicit', nobis sub sigillo vestro distincte & aperte mittatis, & hoc breue, Ita quod ea habeam' in Octabis S. Hill', vbicunque tunc fuerimus in Angl' vt inspectis recordo & processu finis pred' vlterius inde pro errore illo corrigendo fieri faciamus, quod de iure & secund' legem & consuetud' regni nostri Angl' fuerit faciend' &c.

A writ of Error vnto the Custos brevium of the Court of Common pleas.

Rex &c. dilecto sibi Tho. Spencer armig', custodi brevium suorum de Banco, salutem, quia in recordo & processu, ac etiam in leuat' cuiusd' finis in cur' nostra de banco apud Westm̃ in Oct' S. Mich. vltimo preteritis coram Ed. Anders. Milite & socijs suis Iustic' nris de banco p̃d' per breue nostrum de conuentione inter &c. de &c. Vobis mandamus quod transcriptum pedis finis p̃d', cum omnibus ill' tangen̄ quæ in custod' vra existunt vt dicitur, nobis sub sigillo vestr' &c. vt inspect' transcript' pedis finis p̃d' vlterius inde &c.

A writ of Error vnto the Chirographer of fines.

Rex &c. dilecto sibi Tho. Crompton Armig' Chirographario suo de banco salutem, quia in recordo & processu, ac etiam in levation̄ cuiusdam finis in Curia nostra de Banco apud W. in oct' S. Mich. vltimo preteritis, coram Ed. Anderson milite, & socijs suis Iustic' nostris de Banco p̃d' per breue nostrum de conuenc' inter &c. de &c. vobis mandamus q̃d' transcript' recordi & processus finis pred', cum omnibus ill' tangen̄ q̃ in custod' vra existunt vt dicitur, nobis sub sigil' vro distinct' & aperte mittatis & hoc breue &c. vt inspect' transcr' recordi & processus finis pred' vlterius inde &c.

And note that a writ of Error, is not maintainable by an infant, to reuerse

reuerſe a fine for his Infancy, but during his Infancy, 50.E.3.4.17.E.3.52.78.27.Lib.Aſſ.53.

For what errors, fines and proclamations bee not reuerſable.

No fines or proclamations vpon fines or common recoueries, ſhalbe reuerſable by writ of Error, for falſe or incongruous latin, razure, interlining, miſentring of any warrant of atturney, or of any proclamation, miſreturning or not returning of the Sheriffe, or other want of forme of words, and not of matter of ſubſtance, 23. Eliz.ca.3.

Of Error in the Proclamation of a fine.

If Error be in the proclamation of a fine, they ſhall be reuerſed by plea without writ of Error, but that fine neuertheleſſe remaineth of good force ſtill, for they are ſeuerall matters of record, yet if error be in the fine, the proclamations are void, becauſe the fine is the firſt record whereupon the proclamations depend, and ſublato ſubiecto tollitur eius accidens, Plo.266.a. Dyer fol.216.pa.54 4.Eliz.

Of a Cerciorari.

Sect.193 If a man haue recouered, and before he haue execution, the Records thereof be remooued into the receit or Treaſury, the plaintife may haue a Certiorari out of the Chancery to the Chamberlain and Treaſorer, to remoue the tenor of the Record, and Proceſſe thence into the Chancery. And when it is there, it may be ſent thence by Mittimus into the Court whence it came, as the Kings Bench, if it came thence: or into the Common place, if it came thence, and there may execution be ſued, 37.H.6.16.

A Certiorari with a Mittimus to remoue a fine, bearing date before the fine come into the Chancery, is good enough, 1.R.3.4.

In a Writ of Error to reuerſe a fine, the Record it ſelfe ſhall not be remoued, but the tranſcript thereof, becauſe a record, which commeth into the Kings Bench, ſhall not be remaunded: And if the iudgement be affirmed, there is no Chirogr. to ingroſſe the fine, 40. Aſſ.19.29. Aſſ.43.

Yet 5. Mary it is holden that in a writ of Error vpon a fine, the record it ſelfe ſhalbe certified, ſo that no mo proclamations ſhall be made thereupon, for if it be reuerſed, that endeth all: and if the fine bee affirmed, the record ſhall be ſent into the Common place by Mittimus, to be proclaimed and ingroſſed: For if the tranſcript onely ſhould be remoued, they might neuertheles proceed in the Common place, B.Tit Rec. 79. Ideo quere.

A Certiorari of the tranſcript of the foot of a fine.

Rex, Theſaurario & Camerarijs, ſalutem: Quia quibuſdam certis de cauſis Certiorari volumus, vel volentes certis de cauſis Certiorari, vel quibuſdam certis de cauſis Cerciorati, ſuper tenore pedis cuiuſdam finis

leuati

leuati in curia noſtra, coram Iuſticiarijs noſtris dudum vel vltimo itinerantibus apud N. in com̃ tali per breue noſtrum, vel in curia dñi Ed. nup regis Angl' aui noſtri, vel patris noſtri, anno regni ſui decimo, &c. coram I. et ſocijs ſuis tunc Iuſtic' eiuſdem aui noſtri, vel patris noſtri, de banco per breue ſuum int̃ A. petentem & B. tenent̃, de vno meſſuagio cum p̃tiñ in N. vobis mandam' qd ſcrutatis pedibus finium de eodem itinere tempore p̃dict̃ leuatorum, vel finium coram p̃fatis Iuſticiarijs anno p̃d' leuatorum, qui ſunt in Thetaurario noſtr̃ ſub cuſtodia veſtra vt dicunt, tranſcriptum pedis finis p̃dict̃ nobis in Cancellar̃ noſtram ſub ſigillo ſcaccar̃ noſtri diſtinct̃ et apte ſine dilatione mittatis, et hoc breue, Teſte &c.

Rex dilecto clerico ſuo W. ſalutem, volentes certis &c. ſup tenore notę cuiuſdam finis leuati &c. anno &c. inter A. petentem, et C. tenentem &c. vobis mandamus quod, ſcrutatis notis finium penes vobis reſidentium, tranſcr̃ notę pred' nobis in Cancellar̃ noſtram ſub ſigillo veſtro diſtinct̃ et aperte ſine dilatione, mittatis, et hoc breue. T. &c. Aliꝫ de tenore notæ finis.

Finis leuat̃ in curia nr̃a anñ regni nr̃i decimo, coram W. et ſocijs ſuis tunc Iuſtic' noſtris de banco per breue noſtrum, inter &c. Aliꝫ coram Iuſtic' nunc de banco.

A Mittimus of the Tranſcript of a fine out of the Chancery into the Common place.

DOmin' Rex manꝫ Iuſtic' hic breue ſuum clauſ. in hæc verba, Hen' &c. Iuſtic' ſuis de banco ſalutem, tranſcr̃ pedis cuiuſdam finis leuat̃ in cur̃ domini E. nuper Reg. fil' Regis H. nuper Regis Angl' ꝓgenitoris noſtri, coram R. H. et ſocijs ſuis tunc Iuſtic' ipſius progenitoris noſtri de banco apud W. per breue ſuum inter G. P. et I. vxor̃ eius quer̃ et S. P. deforc', de manerio de C. cum pertiñ, nobis in Cancellar̃ noſtra de mandato noſtro miſſum vobis mittimus præſentibus interclut. mandantes q̃ inſpect̃ p̃d. vlterius ad proſecutionem I. L. et M. vxor̃ eius vnius, et T. V. et T. vxor̃ eius alterius, necnon H. B. tertij conſang' et hered' prædict̃ G. et I. de corpore ſuis procr̃, fieri facias quod de iure et ſecundum legem et conſuetudinem regni nr̃i Angl' fuerit faciend'. Teſte meipſo apud W. octauo die I. anno regni noſtri decimo ſeptimo. Tranſcr̃ pedis finis, vnde in breui prædict̃ fit mentio, ſequitur in hęc verba: Hęc eſt finalis concordia facta in cur̃ domini Regis apud W. in oct' S. Mich. anno &c. coram R. H. W. B. P. M. W. H. L. T. & H. S. Iuſticiarijs, et alijs dom̃ Regis fidelibus tunc ibidem præſentibus, inter G. P. & I. vxor̃ eius quer̃ per W. F. poſit̃ loco eorum ad lucrand̃ vel predend̃, & S. P. deforc' de manerio de C. cum pertinentijs, vnde placitum conventionis ſummonit̃ fuit inter eos in eadem curia, ſcilicet quod prędict̃ G. recogñ præd' manꝫ cum pertinen̄ eſſe ius ipſius S. vt illud quod idem S. habet de dono prędict̃ G. & pro hac recogñ, fine & concordia idem S. con- Sect. 194. Atturney in fine.

concessit prædꝰ G. et I. prędꝰ manerium cum pertinentijs & illud eis reddidit in eadem curia, habendꝫ & tenendꝫ eisdꝫ G. & I. & hęꝛ quos idem G. de corpore ipsius I. procreauerit, de prędꝫ S. et heredꝫ suis imperpetuum, reddendꝫ inde per annum vnam rosam ad festum Nat. Sꝯ Ioh. Bap. ꝓ omni seruitio considerac' & exactione ad prædꝫ S. & hered' suos pertiñ: Et faciend' inde capital' dominis feodi illius, pro prędict' S. & hæꝛ suis omnia alia seruitia, quę ad illud manerium pertinent: Et si contingat qđ ꝑdꝫ G. obiret sine heredꝫ de corpore ipsius I. ꝓcreat', tunc post decessum ipsorum G. et I. manerꝫ ꝑdꝫ cum pertinentijs integre remanebit W. fratri eiusdam G. et heredꝫ de corpore suo ꝓcreat', tenendꝫ de prædict' S. et hæredꝫ suis per predict' seruitia, sicut pred' est, imperpetuum: Et si contingat quod ꝑdict' W. obiret sine heredꝫ de corpore suo procreat', tunc post decessum ipsius W. pred' manerium cum pertineñ integre remanebit I. fratri eiusdem W. et heredꝫ de corpore suo ꝓcreat', tenendꝫ de ꝑdict' S. & hæꝛ suis ꝑ pred' seruitia, sicut pred' est, imperpetuum: Et si contingat, qđ ꝑdꝫ I. obiret sine hæꝛ de corpore suo ꝓcreat', tunc post decessum ipsius I. ꝑdꝫ manerꝫ cum pertiñ integre remanebit E. fratri eiusd' I. & hæꝛ de corpore suo ꝓcreat', tenendꝫ de ꝑd' S. et heredibus suis per ꝑd' seruitia, sicut ꝑd' est, imperpetuum: Et si contingat quod ꝑd' E. obiret sine herede de corpore suo ꝓcreato, tunc post decessum ipsius E. ꝑd' manerium cum pertinentijs integre reuertatur ad pred' S. & hæꝛ suos, quiet' de alijs hæꝛ ipsorum G. I. W. I. & E. tenendꝫ de capitalibꝰ dominis feodi illius ꝑ seruitia, quæ ad illud manerium pertinent imperpetuum.

Render in taile.

Forrein seruice.

Rem. in taile.

Reuerter.

A Mittimus.

Sect. 195.

REx, Iustic' de banco salutem. Mittimus vobis sub pede sigilli nostri &c. *vel sic:* Transcriptum pedis, *vel sic:* Tenorem pedis cuiusdam finis leuati in curia dom̃ Ed. nuper Reg. Angl' aui nostri anno regni sui decimo, cor̃ W. & socijs tunc Iusticiar' ipsi' aui nostri de banco apud W. ꝑ breue nr̃m, inter I. querentem, & W. deforc' de tanto &c. quos vel quę coram nobis in Cancellaria nostꝛ venire fecimus, vobis mittimus sub pede sigilli nostri, vt in loquela, quæ est coram vobis ꝑ breue nr̃m inꝺ I filiũ I. petent, & E. tenẽt, de eod' messi. &c. securi' ꝓcedere valeatis &c. T. &c.

A Mittimus for the foot of a fine.

REx Balliuis suis S. salutem. Quia in leuatione diuersorum finium coram I. S. & W. W. nuper balliuis ville S. inter W. R. & M. vxoꝛ eius quer', & W. T. Cappellanum deforc', de oct' messi. &c. & decem solidat redd cum pertineñ in S. Anno &c. iuxta libertates burgensibus ville predict, per chartas progenitorum nostrorum quondam regum Angl' concess. leuat, error interuenit manifestus, sic per inspectionem tenorum

rum finium pred', nec non recordi & processus leuationis eorundem, quę coram nobis postea ad sectam W.M. et H.W. de S. consanguineorum et hered' pred' M. venire fecimus, nobis constat: Et nos in curia nostra cor nobis, ob errores in leuatione finium pred', ac in recordo & processu eorundem compertos, consideraūimus quod pedes finium pred' a filacijs finium p̄d extrahantur & cancellantur: Et ideo vobis mandamus, quod pedes finium p̄d', qui in custodia vestra existunt, mittatis coram nobis tali die vbicunq; &c. cancel' iuxta consid' nr̄a supradict'. Et habeatis ibi hoc breue. T. &c. Error by the heire vpon a fine.

Whether any but he which reserueth a fine, may reape benefit thereby.

IF the estate conteined in a fine, be once within 5. yeres after proclamations lawfully defeated. That party hath thereby lost his whole estate both against him which did reuerse the same, & all others which had right or title paramount, and made no claime within the 5. yeares: Albeit he which brought his action haue not iudgement and execution within 7. yéres after the proclamations, Plo. fol. 358. b. Sect. 196.

In like maner, if there be tenant for life, the remainder for life, the remainder in fee, and the first tenant for life alien, and the alienée leuie a fine with proclamations, and ỳ second tenant for life enter or claime (as he may) he defeateth the fine against himselfe, and him in the remainder also, Plo. fol. 359. a. 7. Eliz.

Warrantia charte.

A Writ of Warrantia chartæ, lieth where a man by déd of graunt, feoffemẽt, releas, or cõfirmation, or fine, or by exchange, bindeth himselfe and his heires to warrant the land to another, who being tenant of the land is impleaded for the land, or rent out of the same, in an Assise, or writ of Entrie in nature of an Assise, or in a Scire facias vpon a fine, or in any other action reall, wherein the tenant may not vouch, he may sue a Warrantia chartę, against him & his heires which made warrantie. And for a tenant by homage auncestrel, or any particular tenant vpon reseruation of rent, or for egalty of seruices vpon partition, Fitz. Nat. fol. 134. d. f. g. h. Fitz. Nat. 135. c. 31 E. 3. 8. E. 4. 11. Sect. 197.

Rex &c. quod iuste &c. warrantizet D. vnum messuagiū cum pertinentijs in R. q̄ tenet & de eo tenere clamat, et vnde chartam suam habet vt dicit. Et si &c. *vel sic.* Manerium de N. cum pertinentijs, et aduocationem eiusdem villę quæ tenet &c. *vsque ibi*, vnde chartam suam habet, vel chartam R. patris, vel matris, vel alterius antecessoris predicti H. cuius hęres ipse est, vt dicit. Et nisi &c. *vel* Briefe de warrantia Chartæ.

De eo quod idem A. warrantizet prefato D. maneria de N. & K. et hundreda de F. & G. cum pertinentijs, & aduocationem Ecclesiæ de N. & ideo vobis mandamus &c.

But if a man infeoffe another with warranty by deed, and the feoffee infeoffe another, and take eſtate from him in fee, the firſt warranty is determined, becauſe hee is now in of a new eſtate, Fitz. nat. folio. 135. a.

So if A. diſſeiſe B. and infeoffe C. with warrantie, who infeoffeth D. with warrantie, vpon whō an eſtranger entreth, in whoſe poſſeſſion B. the diſſeiſor releaſeth his right, now all former warranties are extinct: And albeit D. is impleaded, yet ſhall hee not haue Warrantia chartæ, becauſe he is in of another eſtate by wrong, Fit. nat. 135. g. 21. H. 6. 41. 22. H. 6. 22.

Releas per Ioinetenant. If there be three Iointenants, and the one releas to the reſt, they may deraigne the former warrantie by voucher, or Warrantia chartę, for they be in a third part by the releaſe, 40. E. 3. 41.

Villenage. Warrantia chartæ lyeth againſt a villaine. 48. E. 3. 17.

The writ of Warr chartæ muſt be ſued hanging the principall plea, and before iudgemēt: as of Aſſiſe or Entrie in the nature of Aſſiſe, 48. E. 3. 22. Regiſtr orig', fo. 158. a. for then if the warranter doe die, yet the writ ſhall not abate, but his heire ſhall be reſummoned to anſwer vpon the ſame, yet may a Warr chartæ be ſued before hee be impleaded, quia timet implacitari, & ỹ pl. ſhal recouer in value ꝓ loco et tempore, of ſuch lāds as the def. had at the purchaſing of the writ, Fitz. na. f. 134. k. 12. H. 4. 12. 21. H. 6. 41. 22. H. 6. 22. 24. E. 3. 35. But hee muſt not haue execution, but if afterwards he be put out by iudgmēt, he ſhal haue his warrantie vpō his firſt recouery, 21. H. 6. 41. 21. H. 6. 22. 12. H. 4. 12.

Nontenure. In Warr chartæ, it is a good plea for the defen. ỹ hanging the plea, the demandant in the principal plæ hath entred vpon the plaintife, being then tenant of the land, or ỹ the pl. in this action had nothing in the land, the day of the firſt writ purchaſed, nor at any time after, 21 H. 6. 49. 3. E. 3. 45. E. 3. 5.

Countie. Warr chartę may be brought in any County, if the dede beare not date in a place certaine, 31. E. 3.

Tenant in cōmen. Tenants in common may ioyne in Warr chartæ, 28. E. 3. 90.

Count per Baron & feme ſur fine oue garr. I. H. fil' et hær Iſabel' quę fuit vxor R. ſumm' fuit ad reſpond I. T. & I. vxori eius, de placito quod warr eis vnum meſuag' cum pertinentijs in S. quod de eo tenet, et de eo tenere clam', et vnde cartam Iſabel' matris predict' I. H. cuius heres ipſe eſt habet &c. Et vnde &c. dic' quod quendā finē leuauit in curia domini reg' nunc in oct' S. Hill', ann' &c. coram T. B. & ſocijs ſuis tunc Iuſtic' ipſius domini regis de banco, inter ipſos I. T. & I. quer, & R. de B. et prædict' Iſabel adtunc vxor eius

Inter alia per nomen. deforc', de meſ. pred cum pertin' inter alias terras et tenta, per nomē &c. cum pertin' in S. in com pred, per quem finē, pd R. et I. conceſſer pro ſe

Finis de reuerſion. & hered ipſius I. quod quatuor ack terr cum pertinen' de pd tenement,

quas.

quas G. & M. vxor eius tenuerunt ad terminum vitæ ipſius M. de hæreditat̃ p̃d̃ Iſab. in S. p̃d̃, die quo hæc ꝯcordia facta fuit, & quę poſt deceſſum ipſius M. ad p̃d̃ R. & I. & hær̃ ipſius Iſab. reuerti debuerunt poſt deceſſum ipſius M. integre remanerent p̃d̃ I. & I. & hered̃ ſuis p̃d̃ tenend̃ ſimul cum p̃d̃ tenement̃ quę eis p̃ finem illum remanſerunt, de p̃d̃ R. & Iſab. & hered̃ ipſius I. p̃d̃ ſeruic' ſicut p̃d̃ eſt, imperpetuum: Et ijdem R. & Iſab. ſimiliter conceſſerunt pro ſe & heredibus ipſius I. quod ipſi warr̃ p̃d̃ I. & I. & hered̃ ſuis p̃d̃ tenement̃ cum pertinentijs ſicut p̃d̃ eſt, contra omnes homines imperpetuam: Et ſi contingeret quod ijdem I. & I. obirent ſine hered̃ de corporibus ſuis exeuntibus, tunc poſt deceſſum ipſorum I. & I. p̃d̃ tenement̃ cum pertinent̃, ſicut p̃d̃ eſt, integre reuert̃ ad p̃d̃ R. & I. & hered̃ ipſius I. quieta de alijs hęredibus p̃d̃ I. & I. tenendum de capitalibus dominis feodi illius, per ſeruitia quæ ad p̃d̃ tenement̃ pertinent imperpetuum, & p̃d̃ R. & I. poſtea obierunt, per q̃ ad ipſos I. T. & I. pertinuit habend̃ de prefat̃ I. H. vt fil' & hered̃ ipſius I. warr̃ ſuam p̃d̃, Ac quidam I. R. arrain' quandam aſſiſam noue diſſeiſin' coram T. W. & I. Iuſticiar̃ Domini Regis nunc ad aſſiſas in Comit̃ p̃d̃ capiend̃ aſſign', verſus ipſos I. T. & I. de p̃d̃ tenementis, & ijdem I. T. & I. ſæpius requiſier̃ ipſum I. H. vt fil' & hered̃ ipſius Iſab. ad warr̃ eiſdem I. T. & I. p̃d̃ tenement̃, & idem I. H. tenementa illa ſic warr̃ contradixit & adhuc contradicit, vnde dic' quod deteriorat̃ ſunt, & damnum habent ad valentiam centum librar̃. Et inde producunt ſectam &c. Talle.

I. T. ſum fuit ad reſpondend̃ H. W. de placito, q̃ redd̃ ei vn' meſ. &c. cum pertinent̃ in B. quæ de eo tenet, & de eo tenet̃ clam̃, & vnde cartam ſuam habet, & vnde &c. dic' quod cum p̃d̃ I. ſeiſit̃ fuiſſet de tenement̃ p̃d̃ cum pertin' in dominico ſuo vt de feodo, & ſic inde ſeiſit̃ per quand̃ cart̃ ſuam, quam idem H. hic in Curia profert, cuius dat̃ eſt apud B. tali die, anno &c. dediſſet, conceſſiſſet, & confirmaſſet eidem H. tenementa p̃d̃ cum pertinentijs, inter alia terras &c. per nomen, vt in carta &c. habend̃ eidem H. hered̃ & aſſign' ſuis imperpetuum, & obligaſſet ſe & hered̃ ſuos, ad warr̃ eidem H. hered̃ & aſſign' ſuis, teñta p̃d̃ cum pertin' contra omnes homines imperpetuum: Ac idem H. virtute doni illius, de teñtis p̃d̃ ſeiſitus fuiſſet in dominico ſuo vt de feodo, quidamq; T. arrain' verſ. ipſum H. quandam aſſiſam noue diſſeiſiñæ de p̃d̃ meſſ. & terris cum p̃tin' coram I. M. & I. &c. Iuſtic' dñi regis ad aſſiſas in Coñ p̃d̃ capiend̃ aſſign', per q̃ idem H. pendente aſſiſa ill' ſepius requiſiuit pref. I. q̃ ipſe p̃d̃ meſſ. &c. cum pertinentijs eidem H. warr̃, & idem I. meſſuag' ill' &c. eidem H huc vſq; warr̃ contradixit, & adhuc contradicit, vnde dic' &c. & inde produc' ſectam &c. Count ſur fait oue garr̃. Inter alia par nomen.

Et prædict' I. T. in propria perſona ſua ven', & defend̃ vim & iniur̃ quando &c. & dicit quod ipſe non poteſt dedicere, quin cart̃ prędict' ſit Confeſſion.

Iudgement. factum ipſius I. nec quin ipſe dederit per cartam illam pref. H. tenta pd cum pertinentijs, nec quin ipſe teneat tenta illa eidem H. warrantizare in forma qua idem H. ſuperius verſus eum narrauit. Ideo conſ. eſt quod pd I. warrantizet pref. H. meſſuag' pd & terr' cum pertin', pro loco & tempore &c. Ideo idem I. in mia &c.

F.W. generoſus ſum fuit ad reſpond I.B. generoſo, & E.B. fil' ſuo, de placito quod warrantizet eis 6. meſſuag', 3. gardina, &c. 3. pomaria cum pertin' in Ciuitate B. quæ tenent & de eo tenere clam, et vnde cartam ſuam habent &c. Et vnde ijdem I. et E. per H.C. attournat ſuum dic', q cum pd F. nuper ſeiſitus fuiſſet de ten pd cum pertin' in dominico ſuo vt de feod, Et ſic inde ſeiſitus exiſtens, quedam fine leuauit in Cur dni regis nunc hic ſcilicit apud Weſt. in Octab. Sancti M. anno regni dicti dni regis nunc ſcdo, coram I.D.H.B.A.B. et R.W. Iuſtic', Et poſtea a die Paſchæ in 15. dies anno regni eiuſd reg. 3. ibidem conceſſ. & recordat coram eiſdem Iuſtic' & alijs dicti dni reg. fidelibus tunc ibi præſentibus, inter pd I. et E. quer, & pd F. deforc' de ten pd cum pertinentijs vnde placitum conuentionis ſum fuit inter eos in eadem Curia, ſcilicet quod pd F. recogn'ten' pd cum pertinentijs eſſe ius ipſius E. vt ill' quæ ijdem E. & I. adtunc habuer de dono pd F. & ill' remiſ. & quiete clam de ſe & heredibus ſuis, pd I. & E. & hered ipſius E. imperpetuum: Et preterea ijdem F. conceſſit pro ſe & heredibus ſuis, quod ipſe warrant' pd I. & E. & hered ipſius E. pd tenementa cum pertinent' contra omnes homines imperpetuum: Qui quidem finis in forma pd leuat', habit' & leuat' fuit ad opus & vſum eorundem I. et E. et hered eiuſdem E. imperpetuum, Cuius prætextu, ijdem I. et E. fuer ſeiſit' de eiſdem tenement' cum pertinen, vix. idem E. in dominico ſuo vt de feodo, ac pd I. in dominico ſuo vt de libero tenemento: Et ſic inde ſeiſit' exiſten' quidam H. O. coram maiore et vic' villæ pd, die lunæ, videlicet, 28. die Aprilis, anno regni dicti domini Regis nunc quarto, apud Guilhaldam Ciuitatis pd arrain' quandam aſſiſam friſce forcie ſecund conſuetudinem Ciuitatis illius, in natura aſſiſæ nouæ diſſeiſinæ ad communem legem, verſus eoldem I.B. & E. de tenement pd cum pertinen', per quod ijdem I. & E. penden' aſſiſa illa, ſæpius requiſiuerunt pd F. quod ipſe tenement pd cum pertinen eiſd' I.B. & E. & hered eiuſdem E. imperpetuum warrantizet. Et idem F. tenementa illa cum pertinen eiſdem I. & E. huc vſque in forma prędicta warrantizare contradicit, vnde dic' quod deterriorat ſunt, & damnum habent ad valenc' ducentarum librar, & inde produc ſectam &c.

Et præd F. in propria perſona ſua ven' & defend vim & iniuriam quandam &c. & dic' quod ipſe non poteſt dedicere actionem prædict' I. & E. prædict', nec quin finis præd in forma pd leuat fuit, nec quin ipſe per finem illum teneatur ad warrantizand ten pd cum ptin pt. I. & E.

E. et hered ipſius E. imperpetuum, in forma qua ijdem I. & E. ſuperius verſus eum narrauer : Ideo conſider eſt quod pred' F. warrantizet pref. I. et E. et hered' ipſius E. imperpetuum, tenemenꝫ præd' cum pertin' pro loco et tempore &c. Et nihil de mĩa predꝫ F. quia veñ primo die per ſum &c. M. 8. et 9. Eliz. Reg. Rot. 1822.

W. C. armig' ſum' fuit ad reſpõdꝫ E. B. generꝫ, de placito, quod warrãtizet ei quinquaginta et quatuor acr terr, quadragintꝫ acr paſturæ, et ſex acr boſci cum pertinentijs in E. quas tenet et de eo tenere clamat, & vnde cartam ſuam habet &c. Et vnde idem F. in propria perſona ſua dic', ꝙ cum ipſe ſeiſitus fuiſſet de ꝓdictis teñtis cũ ptinẽtiis in dominico ſuo vt de feodo, (et ſic inde ſeiſit' exiſtens) pref. W. per nomen W. C. de I. in com' N. alias dict' W. C. de W. in com' Suff. armig' x. die I. ann' reg. Dñæ Reginæ nunc 13. per quoddam ſcriptum ſuum, ꝙ idem E. ſigillo predꝫ W. ſignaꝫ hic in curia profert, cuius datum eſt eiſdem die et anno, recitandꝫ ꝑ idem ſcripꝫ ꝙ cum idem W. C. ꝑ nomen W. C. de I. in comitatu N. alias dict' W. C. de W. in com' S. armig', ſimul cum fratre ſuo C. C. de Lincolnes Inne in com' Middl' gen', per quandam Indenꝫ inter pref. W. et C. ex vna parte, et E. B. de Lincolns Inne predꝫ generoſ. ex altera parte confect' gerenꝫ daꝫ x. die F. anno regni Eliz. dei gratia Angl' Fr. et Hiberñ Reg. fidei defenſoris &c. decimo, barganizaũit et vendiderit prefa. E. totum ſtatum et intereſſe ſua, de et in illis pcell' terræ continenꝫ ꝑ eſtimationẽ ſeptẽ acr ſiue plus ſiue minus inde habeatur, iacen' et exiſteñ in parochia de E. in com' K. modo, vel nuper in tenura vel occupatione cuiuſdam W. S. vel aſſignꝫ ſuorum, quorum quidem parcell' vnde parcell' vocaꝫ little ℌ. alias dict' Q. & continẽñ per eſtimationem ſex acr, ſiue plus ſiue minus inde habeaꝫ, haberꝫ & tenenꝫ omnia predꝫ terras et omnia alia premiſſa, cum omnibus et ſingulis ſuis pertiñ pref. E. B. hæredꝫ & aſſignꝫ ſuis ad ſolum et proprium opus & vſum ipſius E. B. heredꝫ & aſſign' ſuoꝝ imperpetuum, prout per predꝫ Indenꝫ plenius apparet, cumq; etiam idem W. poſtea per nomen W. C. de I. in comñ N. armig' alias dict' W. C. de W. in com' S. arm' ſimul cũ prædict' fratre ſuo C. C. de Lincolns Inne in comitatu M. gen' per quandam Indenturam inter pref. W. et C. ex vna parte, et pref. E. B. de Lincolns Inne in com' M. generoſ. ex altera parte, confect', gerenꝫ daꝫ 19. die Octob. ann' regni Eliz. dei gratia Angl', Franc', & Hibernię Reginæ fidei defenſoris &c. decimo. etiam barganizauerit, & vendiderꝫ pref. E. omnia terras, boſcos, et terras boſcales ac cetera hæreditamenta ſubſcripꝫ, per quodcunque nomen ſeu quęcunq; nomina vocaꝫ, reputaꝫ, ſeu cognitꝫ, videlicet, omnia illa terr vocaꝫ S. alias dict' Q. alias dict' great ℚ. and the broome, alias dict' ℌ. and the broom, ac omnia alia terras & hereditamenta quæcunq; continenꝫ ꝑ eſtimationẽ quindecem acr ſiue plꝰ ſiue minꝰ inde hẽaꝫ ꝑ quodcunque nomen ſeu ꝑ quęcũque noĩa

eedem ſint voc', reputat' ſeu cognit', modo vel nuper in tenura vel occupatione eiuſdem T.B. ex dimiſſiõe cuiuſdam I.C. de I. pred' armigef' adtunc nuper defunct' quæ quidem parcell' iacent et exiſtunt in E. in com̃ K. ac omnes illas terr' modo vel nup̃ in tenura vel occupation̄ cuiuſd̄ P.W. de E. in p̃d com' K. iacen̄ et exiſten̄ in E. pred' ration' cuiuſd̄ dimiſſion̄ eidē P. fact' p̃ p̃f. I.C. continen' p̃ eſtimation̄ quinq; acr', ſiue pl' ſiue min' inde habeat', ac etiã ões ill' terr' modo vel nup̃ in tenura vel occupac' cuiuſd̄ I.I. ex dimiſſion̄ pref. I.C. eid̄. I.I. fact', continen̄ p̃ eſtim̃ quadragint' et octo acr' ſiue pl' ſine min' inde hēat', iacen' et exiſten̄ in diuerſis ſeparalib' p̃cell' in E. p̃d' vnde quęd' p̃cell' ſunt voc' ſeu cognit' per nomē de P. alias dict' B. quædã aliæ parcell' inde ſunt voc' ſeu cognit' per nomen de R. quædam alia parcell' inde ſunt voc' ſeu cognit' per nomen de S. Dane: Ac etiã oĩa ill' boſc' et terr' boſcales infraſpec', viz. E.W. continen' p̃ eſtim' duas acr' ſiue pl' ſiue min' inde hēat', le woodlād iacen̄ apud Knowel gate in E. pred', continen' per eſtim̃ 3. rodas ſiue pl' ſiue min' inde habeat', S. contin̄ per eſtim' tres rodas ſiue plus ſiue min' inde hēat', L. alias dict' K. contin' p̃ eſtim' vnã acr' & tres rodas, ſiue plus min' inde hēat', quæ oĩa ſunt iacen' et exiſten' in E. p̃d hēnd' et tenend' omnia p̃dict' terras boſcos et terras boſcales ac oĩa alia premiſſa cum oĩbus & ſingulis ſuis p̃tin' p̃f. E.B. hęr' & aſſign' ſuis, ad ſolum et proprium op' et vſum ipſius E.B. hær' et aſſign' ſuorum imperpet', Cumque etiam idem W. ſimul cũ p̃f. C. fratre ſuo poſtea ſcz. in cur̄ dict' dñæ Reg. hic apud Weſt. in oct' S.M. ann' reg. dictæ dñæ Reg. vndecimo in p̃t̄ cõpleñti quarund' conceſſ. et conuēc' in p̃d Indentur̄ ſpecificat', recogn' oĩa p̃d' terr' boſcos, et hered' cum ſuis p̃tin', per nomen ſiue nomina 54. acr' terr', 40. acr' paſturæ, & 6. acr' boſci cũ pertinen' in E. p̃d, eſſe ius p̃d E.B. vt ill' q̃ diem E. adtũc habuit de don' p̃d W. et p̃f. C. fratris ſui, et ill' adtunc remiſerit et quiet' clamauit de ſe p̃f. W. et hær'. ſuis, præf. E. et hæred' ſuis imperpet', & pred' W. per idem ſcript' hic in cur̄ ꝓlat' adtũc approbauit, ratificauit & confirmauit eidem E.B. adtunc in ſua plen' & pacifica poſſeſſion' et ſeiſina p̃miſſ. exiſten' totum ius, titulũ, ſtatum, et intereſſe ſua de & in p̃miſſis, quæ oĩa terr' præd', paſtur', boſc', terr' boſcales, & ceter' oĩa & ſingula p̃miſſa cũ oĩb' & ſingulis ſuis pertin', pref. E. hær' et aſſignã ſuis, ad ſolũ et proprĩũ opus et vſum ipſius E. hęr' et aſsigñ ſuorum imperpetuũ. Et inſuper pred' W.C. p̃ ſcript' illud obligaſſet ſe, & hær' ſuos, ad warr' eidē E. her' & aſſignã ſuis imperpetuum, omnia pred' terr', paſtur', boſcos, & terras boſcales, ac ceteras oĩa p̃miſſa cum ſuis p̃tiñ cõtra oẽs hoĩes imperpetuũ, ꝓut per pred' ſcript' hic in cur̄ ꝓlat' pleni' apparet, Et idē E. dic' q̃ p̃d tenũta in breui p̃d ſpec', ſunt ead' tenenũta in pred' ſcript' hic cur̄ ꝓlat' mẽcion', et nõ alia neq; diuiſa, ac quidã H. R. ipſo E. de tenũtis p̃d cũ pertin' in forñ p̃d ſeiſit' exiſten', in curia hic ꝓſecut' eſt verſus ipſum E.B. quoddam breue dñæ Reg. de ingreſſu ſup̃ diſſeiſiñ

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in le quibus, de tenꝫ p̄d̄ cum pertiñ, per quod idem F. pendente breu illo ſæpius requiſiuit pref. W. C. quod ipſe tenta cum pertin' eidem E. hucvſque warrantizar & eidem W. p̄d̄ tenta cum pertin' eidem E. huc vſque warrantizar contradixit & adhuc contradicit, vnde dicit quod deteriorar eſt & damnum habet ad valentiam treſcentarum librarum, et inde producit ſectam &c.

Et p̄d̄ W.C. per T.B. atturnar ſuum ven' & defend vim & iniuriam quando &c. et dicit quod ipſe non poteſt didicere actiõ p̄d̄ E. p̄d̄, nec quin p̄d̄ ſcript hic in Curia prolat, ſit factum ipſius W.C. nec quin ipſe per idem ſcript confirmauit pref. E. tenta p̄d̄ cum pertin', nec quin ipſe p̄d̄ W. per ſcriptum illud teneatur tenꝫ p̄d̄ cum pertin' eidem E. warrantizare, in forõ qua idem E. ſuperius verſus eum narrauit, Ideo conſ. eſt q̄ p̄d̄ W.C. warrantizet pref. E. tenement p̄d̄ cum pertin' pro loco & tempore &c. Et nihil de Mia ipſius W. quia ven' priõ die per ſuũ &c. Hill' 13. Eliz. Ro. fiat ſimilis intratio vers. C.C. mutat mutandis F. W. gen' ſuũ fuit ad reſpondend W.R. de placit q̄ warr ei octo meſuag', ſex gardina, tria poñ, quatuor acr terr, ſex acr prati, & duas acr paſt. cum pertiñ in B. & B. quę tenet & de eo tenere clamat, & vnde terram ſuam habet &c. Et vnde idem W. per W.C. atturñ ſuum dic' quod p̄d̄ E. nuper fuit ſeiſitus de tenꝫ p̄d̄ cum pertin' in dominico ſuo vt de feodo, & ſic inde ſeiſitus exiſtens idem F. 19. die S. anñ Reg. dñæ Reg. nũc 25. apud B. p̄d̄ per quandam cartam ſuam, quam idem W.R. ſigillo p̄d̄ F. ſignat hic in Curia profert, cuius dat eſt eiſdem die & anno, dedit & conceſſit ten' p̄d̄ cum pertin' pref. W.R. hend ſibi & hær ſuis imperpetuum, & alteri p̄d̄ F. per cartam p̄d̄ tenement p̄d̄ cum pertin' eidem W. & hæred ſuis contra omnes homines warran' prout per cartam illam plen' apparet: virtute quorum quidem don' & conceſſiõ idem W. fuit & adhuc eſt ſeiſit de ten' p̄d̄ cum pertin' in dominico ſuo vt de feodo, Et ſic inde ſeiſit exiſtens, quidam D.D. arrain' verſus ipſum W. quandam aſſiſam nouæ diſſeiſinę de p̄d̄ tenꝫ cum pertin' coram I. C. vno baron' Scacc. dominæ Reg. & F. R. vno ſerulen' ipſius dñę Reg: ad legem Iuſtic' eiuſd dñę Reg. ad aſſiſas in coñ p̄d̄ capiend aſſign' per formam ſtatuti &c. per q̄ idem W.R. pendente aſſiſa illa ſepius requiſiuit pref. F. q̄ ipſe p̄d̄ tenement cum pertin' eidem W. warr & idem F. ten' illa cum pertin' eidē W. hucuſque warr contradixit & adhuc contradicit, vnde dic' quod deteriorar eſt & damnum habet ad valentiam centum librarum, & inde producerit ſectam &c.

Of Recoueries for assurances &c. called *common, or feigned Recoueries.*

IN euerie Recouerie are to be regarded the demandant, the tenant of the land and the vouchee, as the efficient causes thereof. The land demanded, as the matter, which must as certainly be set downe in Writs of Entre, as in writs of Couenant, whereupon fines are leuied. The end and effect of such recoueries, is to discontinue and destroy estates tailes, remainders and reuersions, and barre the former owners thereof.

The demandant is he that bringeth the Writ of Entre, and may be termed the recouerer.

The tenant is he against whom the Writ is brought, and may be termed the recouerée.

The vouchee is he whom the tenant voucheth, or calleth to warrantie for the land in demand.

And such persons may be demandants, tenants, and vouchees, in these recoueries, as may be cognisors and cognisees, in Writs of Couenant, and by such names, Mutatis mutandis. Sauing that if any recouerie be had against any tenant in taile, the reuersion or remainder being in the King, of the gift of the King, or of any of his Maiesties progenitors, Kings of England: such recouerie will neither barre the issue in taile of his Entrie, nor discontinue his estate, nor pluck such reuersion or remainder out of his Maiestie, 34.H.8.c.20. Quere tamen si tiel recouerie barre lissue in taile, during the continuance of the estate taile, Dyer fol.132.pl.1.

Item, before such persons, by such meanes, and in such maner may warrants of Atturney be knowledged and certified, as fines knowledged in the Countie: sauing that the recognisance of warrants of Atturney may be taken by any Iustice or Serieant, without a Writ of Dedimus potestatem. And fines must be paid vpon Writs of Entre, as vpon Writs of Couenant. And all such Writs of Entre, must be signed by the Kings Atturney before they can be sealed.

In a recouerie with double voucher, the fine must be sued first, to make him tenant at the time of the Writ of Entre brought, for euerie Writ of Entre must alwaies be brought against him that is tenant of the freehold of the land demanded at the time of the Writ brought. 18.R.2. & Dyer fol.252.pla.98. for that that the estate of the tenant

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in taile which is vouchee, is barred in respect of the assets only which is, or may be recouered in value, Plow. Basset vers Manxel fol. 11.a. and of execution sued by the tenant against him.

And if the tenant haue but an estate for life, or in dower, or by the curtesie: then to haue a good recouerie thereof, it is meet that such tenant make a conditionall surrender of his estate to him in the reuersion, or remainder, to the end he may be a perfect tenant of the inheritance, and then to bring the Writ of Entre against him: and after that the recouerie is executed, the particular tenant for breach of the condition may enter and enioy his terme notwithstanding such surrender.

See the like Surrender in the Chapter of Surrenders, in the first part of Symboleography.

Of what things Writs of Entre *may be brought, and by what names.* Sect. 2.

PRæcipe quod reddat lyeth, de vna acra terræ aqua cooperta, vel de act' terr' 12.H.7.fol.4. de gurgite 10.E.3. & 14.Ed.3.842.Fitz.na.br. fol.191.h. Et de passagio vltra aquam Fitz.na.br.fol.191.i. de balliua 34.Ed.3.423. de officio 27.H.8.fol.12. de aduocac' Eccl', aut de quarta parte decimar' 34.Ed.3. de portion de cimarum Dyer fol.84.pla.83. de quadam parcella terræ, Dyer fol.84.pla 83. de custod' terræ & hered', siue custod' terræ, Register 161.22.Ed.3.fol.19.

Præcipe quod reddat lyeth of all maner of Ecclesiasticall or Spirituall profits: vt de rectoria, vicaria, porcionibus, pentionibus, decimis &c. per statut' 32.H.8.c.7. de omnibus, & omnimodis decimis maioribus mixtis & minutis infra villam siue hamlet de B. in paroch' de A. quoquo modo crescent', contingen', ac annuatim renouan', &c. Thel' lib.8.c.9.S.2. de quarta parte decimar' & oblationum Eccl' sanct' P. &c. 16.Ed.3. de quad' porcione decimar', or terræ, not shewing how much, 1.H.4.fol.1. Dyer fol.84.pl.83.84.85. & 86. In old time de hida terræ, p Glanuile, de caruca terræ, 4.E.3.161. de bouat' terræ, 6.Ed.3.291. de sex pedibus træ in longitudine, & quatuor pedibus in latitud' 14.Ass.13.

A Præcipe quod reddat lyeth de tofto & situ molendini 14.Ed.3. de hundredo de C & balliuat de B.34.Ed.1.3.E.3. de past. ad sex boues 3. Ed.3.f.23.4.E.2. de roda terræ 3.F.5. de aduocatione 34.E.1. de quadam portione terræ 11.H.4.fo.40.5.H.7.fo.9. de medietate vnius rodæ terræ 41.E.3. de shopa, Regist' f.3.a. de 4. act' alnet' 11.Ass.13. de turbar, by the name of Morę 8.Ed.3.f.387. and it lyeth in a Towne and not in a Hamlet, 8.E.3.f.55.7.E.3.9.

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Of what things a Writ of Entre lyeth not.

Sect. 3. PRecipe quod reddat lyeth not de foſſato nec de ſtagno, nec de piſcaria 8.E. 3. 381. nec de aduocatione decimarum vnius carucat terræ, Regiſt fol. 29. nec de communia paſt. 27.H.8.f.12. de eſtouerijs 2.E.3. de homagio & fidelitat, nec de ſeruitijs faciendis, 6.E.2.

A Precipe quod reddat lyeth not de bouat mariſci 13.E.3.fol.3. de ſelione terræ E.1. for the incertaintie, becauſe a Selon which is a land, ſometime containeth an acre, ſometime halfe an acre, ſometime more, and ſometimes leſſe. It lyeth not of a garden, cottage, or croft, 14.Aſſ. 13.8.H.6.3.22.E.4.13. de virgata terræ, 41.43.13.E.3. de fodina, de minera, de mercatu, 13.E.3. for they lye not in Demeſne, but in Gaine, nec de ſuperiori camera 3.H.6.fol.1.

A Writ of Entre ought not to containe one ſelfe thing twice, as a meſſuage, and a houſe parcell of the ſame meſſuage, 2.Ed.4.fol.28. 76. E.3.f.26. Nor to name a towne and a hamlet within the ſame towne, 22.E.3.fol.14.41.Ed.3.fol.22.

In euerie warrant of Atturney, it is good to put two Atturneys at the leaſt for feare of death.

In a Countie Palantine, as Lancaſter, Duriſme, Cheſter, &c. may be put in a warrant one Atturney, and one of the Juſtices Clarkes.

If the Writ of Entre be returnable Craſtin Martin, the Writ of Summons ad warr thereupon muſt beare Teſte from the returne of Craſtin Martin, and be returnable nine Returnes after the returne of the Writ of Entre, incluſiue: that is, accompting Craſtino Martini for one of the nine returnes, and tres Paſchæ, which is the ninth returne after Craſtino Martini for another. And the Teſte of the Writ of Seſin muſt be the day of that ninth returne, and be returnable fifteene daies after. Then the Writ of Seiſin may be returned, that ſeiſin was deliuered by vertue thereof to the demandant, by the Sheriffe of the Countie where the lands lye vpon any day (not being Sunday) betweene the Teſte and returne of the ſaid Writ of Seiſin. Then the Writs of Entre, Summons, and Seiſin muſt be returned and filed with the Cuſtos breuium, and the iudgement entred by the Prothonotarie, and the warrants of Atturney by the Clarke of the warrants.

If a ſingle recouerie and a fine be againſt the tenant, the Writ of Entre muſt beare date and Teſte, before the Writ of Couenant, and be returned before.

If a Writ of Couenant be brought againſt the tenant, and a Writ of Entre againſt the demandant: then the Writ of Couenant muſt beare date, and be returned before the Writ of Entre, and this is called a double voucher.

A Certiorari to the executor of the Iustice, before whom the warrants were acknowledged.

ELiz. dei gratia Angl' Franc' et Hiberñ Regn', fidei defensor &c. dilecto sibi I. R. arm' executori testamenti Fr. R. nuper vnius Iustic' nostrorum de banco salutem. Volentes certis de causis certiorari tam super quodam warrant atturñ per quod H. S. posuit loco suo W. B. & R. C. coniunctim & diuisim versus R. P. alias W. & R. H. de placito terr' in comitatu E. quam super quodam alio warrant atturñ per quod H. L. & I. L. quos pred' H. S. voc' ad warrant, posuerunt locis suis A. B. & F. R. coniunctim & diuisim vers. pred' R. & R. H. de placito terræ in dicto comit' E. per pref. F. R. nuper capt', ac in custod' tua ratione executionis testamenti pred' existen', vt dicitur. Tibi precipimus quod warr' pred' Iustic' nostris de banco apud Westm' sub sigillo tuo distincte & aperte sine dilatione mittas & hoc breue, vt ijdem Iustic' inspect' warrant' p̄d' vlterius in quodam breui nostro de Ingr' p̄den' coram pref. Iustic' nostris apud Westm' inter pref. R. et R. H. et pred' H. S. de vno messuag' &c. cum pertinentijs in T. et D. in comit' prædicto, & proces'. inde fieri fac', quod de iure, et secundum consuetudinem regni nostri Angl' fuerit faciend'. T. meipsa apud Westm' 29. die Nouemb. Anno regni nostri 34. Sect. 4.

It is returned thus.

Respons. infranominati I. R. ad hoc breue.

Execuc' istius breuis patet in quadam schedula huic breui annex'.

Ebor. ff. Præc' H. S. quod iuste &c. Redd' R. P. alias W. & R. H. vnum messuagium &c. cum pertinentijs in T. & D. qd. clam &c.

Ebor. ff. H. S. po: lo: suo W. B. et R. C. coniunctim & diuisim versus R. P. alias W. & R. H. de plac' terr'.

Ebor. ff. H. L. et I. L. quos H. S. voc' ad warr' po: lo: suo A. B. & F. R. coniunctim et diuisim versus R. P. alias W. & R. H. de placito terræ.

Capt' & cognit' apud W. in comitatu C. xvij. die Febru. anno regni dominæ Eliz. &c. 34.

I. R.

A Recouerie with single voucher.

Ebor. ff. PRæc' G. C. armigero, quod iuste &c. redd' R. C. & R. I. vnum messuagium & quatuor aeras terræ cum pertin' in T. quæ clam' &c. Et in quę &c. Et nisi &c. Sect. 5.

G. C. po: lo: suo N. M. et M. M. attorn' suos coniunctim & diuisim versus R. C. et R. I.

A. Re-

A Recouerie with double voucher.

Sect. 6. *Derby.ff.* PRæc' N.L. et M. vxori eius, quod iuſte &c. redd' T.S. & T. C. maneria de N.M. et P. cum pertin', ac 30. meſſ. 30. toſta, 5. molendina, 30. gardin', 30. pomaria, 1000. acr' terr', 1000. acr' prati, 50. acr' paſtur', 40. acr' boſci, 1000. acr' moræ, 200. acr' iampnor' et bruere, et 3. libras reddit' cum pertin' in N.M.P.P. et B. quę clam̃ eſſe ius et hered' ſuam, et in quæ idem N. et M. non habet ingreſſ. niſi poſt diſſeiſinam quam H.H. iniuſte et ſine iudicio fecit p̄fat̃ T. et T. infra 30. Annos iam vltimo elapſos &c. vt dic', vnde quer' &c. Et niſi &c.

Derby.ff. N.L. et M. vxor eius po: lo: ſuo, T.B. et W.B. attorn̄ ſuos coniunctim & diuiſim verſus T.S. & T.C. de placit̃ terr̃ ad lucrād̃ vel perdendum.

Derby.ff. W.B. et T.F. quos N.L. et M. vxor eius vocant ad warr̃, po: lo: ſuo, P.P. et Q.Q. attorn̄ ſuos coniunctim et diuiſim verſus T.S et T.C. de placit̃ terre ad lucrandum vel perdendum.

A Recouerie with treble voucher.

Sect. 7. *Eſſex.ff.* PRæc' R.B. et C.S. quod iuſte &c. reddant A.T. armiger', manen̄ de B. et Q. cum p̄tin', ac 20. meſſuag', duodecim toſta, quatuor columbar', mille acr' terræ, cent' acr' prati, centum acr' paſtur', C.C. acr' iampnor' et bruerę, centum acr' moræ, et triginta ſolid' et vnum obul' reddit', ac reddit' vnius libræ et dimidij piperis, et vnius gran̄ piperis cum p̄tin̄ in B. et Q. Ac liberam piſcariam in aqua de W. necnon aduocac' eccleſ. de B. quæ clam̃ &c.

Eſſex.ff. R.B. et C.S. po: lo: ſuo, W.W. et R.R. attorn̄ ſuos coniunctim et diuiſim verſus A.T. de placito terræ.

Eſſex.ff. M.M. gen' quem R.B. et C.S. vocant ad warrant̃ po: lo: ſuo, I.I. et L.L. attorn̄ ſuos coniunct̃ et diuiſim verſus A.T. de placito terræ.

Eſſex.ff. G.W. gen̄ quem M.M. voc' inde ad warrant̃ po: lo: ſuo R.G. et R.S. attorn̄ ſuos coniunct' et diuiſim verſus A.T. de plac' terr̃.

A Recouerie of aduowſon in the Countie Palantine of Cheſter.

Sect. 8. PLacita apud Ceſtr̃ coram R.T. Milit̃ Iuſtic' dn̄ę Reg. apud Ceſtr̃ de Seſsione tent̃ ibid̃ die Lunæ vltim̃ die Septemb. anno regni Eliz. dei gratia Angl', Franciæ, et Hiber̄n Reg. fidei defenſor', et in terr' Eccleſ. Anglican̄ et Hibern' ſupremi capitis 35.

Cheſtr.ff. H.S. armig' per T.B. attorn' ſuum, petit verſus H.G. armig' aduocationem Eccleſ. de T. quam ei iniuſte deforc' &c. Et vnde dic'

quod

quod ipſemet fuit ſeiſitus de aduocac' Eccleſiæ p̄d vt de feodo & iure infra 30. annos iam vltimo elapſos, tempore pacis, tempore dñi Reg. nunc & ſic inde ſeiſit̄ eodem tempore ad eandem Eccleſiam preſentauit quendam R. A. Clericum ſuum, qui ad preſentationem ſuam fuit admiſſus, inſtitutus, & inductus in eadem: Capiendo inde explec' vt in groſſis decim̄, minutis decim̄, oblationibus, & obuencionibus ad valenc' &c. vt de iure Eccleſ' ſuæ p̄d &c. Et q̄ tale ſit ius ſuum offert &c.

All the parts of a Recouerie in a Writ of Right de Præcipe in Capite *exemplyfied.*

IAcobus Dei gratia &c. Omnibus ad quos preſentes literę patentes peruenerint ſalutem. Sciatis quod I. Comes S. in Curia noſtra coram Iuſticiar' noſtris apud Weſtm̄ per breue nr̄m de Recto de Præcipe in capite, petijt verſus T: B: ſenior̄ & I. vxor̄ eius manerr̄ de C. cum pertin̄, ac vnum meſſuag', 50. acr̄ terrę, 50. acr̄ prati &c, cum pertin̄ in C. B. & H. iuxta T. vt ius & hered̄ ſuam: Quod quidem breue vna cum retorn̄ eiuſdem, ac placitum ſuper idem breue cum omnibus alijs placitum illud tangentibus ſequitur in hæc verba. Sect. 9.

Iacobus Dei gratia &c. Vicecom̄ Heref. ſalutem. Præcipe T. B. ſeniori, & I. vxori eius, q̄ iuſte & ſine dilatione reddant I. Comiti Saloꝑ manerium de C. cum pertin', ac vnum meſſuag' &c. cum pertin' in C. B. & H. iuxta T. quæ clamat eſſe ius & hered̄ ſuam, & tenere de nobis in capite. Et vnde queritur q̄ p̄d T. & I. ei iniuſte deforceant. Et niſi fecerint, Et p̄d Comes fecerit te ſecur̄ de clamore ſuo proſequen̄, tunc ſum̄ p bonos ſummon̄ p̄d T. & I. q̄ ſint coram Iuſtic' noſtris apud Weſt. à die Paſchę in quindecim dies, oſtenſ. quare non fecer̄. Et habeas ibi ſumm̄, & hoc breue. Teſte meipſo apud W. 2. die Apriis Anno Reg. noſtri tertio. Le briefe.

Pleg' de proſequend̄ R. D. & I. R.

* Reſponſio I. S. Militis Vicec': Summ̄ T. B. & I. vxor̄ eius infraſcript̄ H. F. & R. L. Returne inde.

Placit̄ apud Weſt. coram I. P. & ſocijs ſuis Iuſtic' d̄ni Reg. de banco de termino Paſchę anno Reg. &c. 3. Rotulo C. C.

* Heref. ſſ. Ioh. Comes Saloꝑ, p I. S. Atturn̄ ſuum pet̄ verſus T. B. ſen̄ & I. vxor̄ eius, manerium de C. cum pertin', ac vnum meſſ. &c. cum ptiñ in C. B. & H. iuxta T. p breue dom̄ Reg. de precipe in capite &c. Le dd.

* Et vnde dicit q̄ ipſemet fuit ſeiſitus de manerio, meſſuag', terris &c. cum pertin', in dominico ſuo vt de feodo & iure tempore pacis tempore dom̄ Reg. nunc, capiendo inde explec', ad valentiam &c. Et quod tale ſit ius ſuum offert &c. Le Count.

* Et p̄d T. & I. per W. B. Atturnatum ſuum, venr̄ & defendunt ius Le defend.

ſ ij

p̄d Comitis & ſeiſinam ſuam, & maxime de manerio, meſuag' &c. ei war' &c: & ſuper hoc p̄d Comes petit verſus ipſum W.P. manerium, meſuagium &c. cum pertiu' in forma p̄d &c. Et vnde dic' quod ipſemet fuit ſeiſitus de p̄d manerio, meſuag' &c. cum pertin' in dominico ſuo vt de feodo & iure, tempore pacis, tempore dn̄i regis nunc capiend' inde explec' ad valentiam &c. Et quod tale ſit ius ſuum offert &c.

Le dd:

* Et p̄d W.P. tenens per warrant' ſuam defendit ius p̄d Comitis & ſeiſinam eius & maxime de manerio, meſſuag', terris &c. cum pertin' & totum &c. Et ponit ſe inde in magnam aſſiſam domin' reg. & petit recog' fieri vtrum ipſe maius ius habeat tenend' manerium, meſſuag', terras &c. cum pertin', vt tenens p̄ warrant' ſuam, vt ea tenet, an p̄d Comes habend' manerium, meſſuag', terras &c. cum pertin', vt ea ſuperius pet' &c. * Et p̄d Comes petit licentiam inde interloquend' &c. Et habuit &c.

Le defence.

Iſſue ferra le graund aſſiſ.

Li. lo.

* Et poſtea idem Comes per Atturnatum ſuum prædict' reuen' hic in Curia, & p̄d W.P. licet ſolemniter exact', non reuen', ſed in contempt' Cur' defaltam fec'. Ideo conſideratū eſt quod p̄d Comes recuperet ſeiſinam ſuam verſus p̄d T. & I. de p̄d manet' meſſuag' &c. cum pertin', tenend' eidem Comiti & hered' ſuis quiete de p̄d T. & I. & hered' ſuis imperpetuum.

Default & iudgement.

Et p̄d T. & I. habeant de terris p̄d W.P. ad valentiam manerij meſſuag', terrar' &c. p̄d cum pertin'. Et p̄d W.P. in miſericordia &c.

Warrant. Atturnat. inde ſequitur in hac verba.

Heref. ſſ. Iohn. Comes Salop. po. lo. ſuo I.S. verſus T.B. ſeniorem & I. vxor' eius de placito terræ.

Heref. ſſ. T.B. ſenior & I. vxor eius, po. lo. ſuo W.B. verſus Io. Com' Salop. de placito terræ.

Quæ omnia & ſingula ad requiſitionem p̄d Comitis exemplificari, fecimus, & magnum ſigillum n̄rm, quo vtimur ad hm̄di exemplificationes, nec non ad quecunq; breuia iudicialia extra bancum p̄d exeunt' ſigilland', præſentib' apponi fecimus. Teſte I.P. apud Weſt. 18. die Maij anno regni noſtri tertio.

Remiſſio Curiæ in breui de Recto.

Sect. 10.

EXcellentiſſimo Principi domino I. Dei gratia &c. T.W. ſalutem in eo per quem reges regnant, et Principes dominantur. Quia A. in cur' v̄ra coram Iuſtic' veſtr' de banco per b̄re veſtr' de recto D.E. de vno meſſuag' cum pertin' in S. quod de me tenetur, licentia mea mediante proponit implacitare, veſtræ celſitudini regię, tenore preſentium ſignifico me Cur' meam vobis inde hac vic' remiſiſſe. Saluo mihi alias iure dn̄ij caſu conſimi-

consimili cum acciderit. In cuius rei testimoñ has literas meas feci patentes, sigillo meo signat'. Dat. 3. die Maij, Anno regni &c.

The exemplification of a Recouerie inrolled according to the Statute of xxiiii. Eliz. cap. 3

Sect. 11.

ELizabeth dei gratia Angl' Franc', et Hiberniæ, regina fidei defensor &c. Omnibus ad quos presentes literæ nostr' peruenerint salutem. Sciatis quod inter irrotulamenta bñum et aliorum dependen' pro communibus recuperationibus secund' formam statuti de termin' Paschæ apud Westm' Ann' reg. nostri 29. Rotul' primo continetur sic. Essex ss.* Elizabeth dei gratia, Angl', Franc' & Hiberñ reg. fidei defensor &c. vic' Essex salutem, Præc' I.W. et I.S. quod iuste et sine dilatione redāt Io. St. et R. P. quatuor messuag', quatuor gardina, 200. acras terræ, 100. acras prati, 300. acras pasturæ, 40. acras bosci, & 300. acras iampnor et brueræ, cum pertiñ, in B.T.T.C.D. et H. quę clamant esse ius et hær' suam. Et in quę idem I. W. et I. S. non habeant ingres. nisi post disseisinam quam H. H. inde iniuste et sine iudicio fecit pref. I. S. et T. infra triginta annos iam vltimo elapsos vt dicunt. Et vnde queruntur ꝙ pred I.W. et I.S. eis deforc'. Et nisi fecerint et pred' I.S. et Th. fecer' te secur' de clamore suo pros. tunc summ' per bonos summ' pred' I. W. et I. S. ꝙ sint coram Iustic' nostris apud Westm' a die S. Mich' in quindecim dies, ostensuri quare non fecerint. Et habeas ibi summ' et hoc breue T. meipsa apud Westm' 24. die Septem. anno regni nostr' decimo * Gibon. * pleg' de pros. Io. Doo. Rich. Roo. * Summ' Ioh. Den. Rich. Fen. * G.T. armig' vic' ss.

The Doctor which tooke the Affid. for the value. Pledges. Summoners. The Sherifes name. Summons and warrant.

* Eliz. dei gratia Angliæ, Franciæ, et Hiberniæ regina fidei defensor &c. Vic' Essex salut', Summ' per bonos summ' E. W. armigerum & vxor eius quod sint coram Iusticiarijs nostris apud Westm' a die S. Hillarij in xv. dies ad warr' Ioh. W. & I.S. quatuor messuag', quatuor gardin', 300. acras terræ, 100. acras prati, 300. acras pasturæ, 40. acras bosci & 300. acras iampnorum & brueræ, cum pertin' in B. T. T. C. D. et H. ꝙ Io. St. et Tho. P. in curia nostra coram Iustic' nostris apud Westm' clam vt ius suum per breue nostrum de ingres. super disseisinā in le post vers. eos. Et vnde ijdem Ioh. W. & I.S. in eadem curia nostr' voc' pręd Edm. et Ioh. summ' in comit' tuo ad warr' versus eos. Et habeas ibi summ' et hoc breue. T. I. D. apud Westm' xvj. die Octobris, anno regni &c. decimo. * Lone. Summ' Iohannes Den, Richardus Fen. * T. L. arm' vic' ss.* Io. St. & Tho. po: lo: suo R. E. versus Iohannem W. & I. S. de placito terræ ss. Iohannes W. & I. po: lo: suo I.A. versus Io. S. & Tho. P. de placito terræ ss. Edm. W. armig' et Ioh. vxor eius quos Iohan. W. et I.S. voc' ad warr' po: lo: suo R. C. versus Io. S. et Tho. P. de plac' terræ. Quæ omnia et singula ad requisitioñ W. W. gener' tenore pręsentiū duximus

The Prothonotarie in whose office it is entred. Summoners. The Sherife. The warrants of atturney.

duxim exemplificat, In cuius rei Teſtim ſigill' noſtr ad br̄ia in banco ſigilland deputat preſentibus appon fecimus T.F.W.P. et F. R. Iuſti⁹ de banco prædict' apud Weſtmon xvj. die Iunij anno regni noſtri viceſimo nono.

M. The Iudges which examined their inrolement. M.W.P. and R.

Pardon' alien' ſuper terr' per breue de Ingreſſu recuperat'.

Sect. 12 REgina, Omnibus ad quos &c. ſaluꝫ. Cum prædilectus et fidelis conſanguineus noſtr. T. Dux Norff. Com Mareſcal' Angliæ, & prænobilis ordinis garter. Mil', ac dilect' et fideles noſtri W.C. Miles principal' Secretar noſtr, R. Catl' miles, nuper ſcilicet term' &c. anno Reg. noſtr &c. recuperauer verſus predilectum et fidelem conſiliarium noſtrum N. B. Milit dnum cuſtod magn' ſigil' noſtri Angl', ex eius aſſenſu & ad eius requiſitiō per br̄e noſtrum de ingreſſu ſuper deſſeiſinam in le poſt, ſcdm curſum formam et vſum communiū recuperation' man de Redgraue &c. in com' noſtr Suff. ad diuerſos ſperales vſus, intention', condition' et propoſit ſpecificat et declarat in quibuſdam Indentur factis inter ipſum N. ex vna parte et prefatos ducem W. R. &c. exalter parte gerent dat ſecundo die Octob. anno Reg. noſtri prim' prout per eaſdem Indentur plenius appar, cumque etiam iidem dux W. R. &c. in manent, terr, tenement, et cetera premiſſa cum pertin' virtute recuperac' predict' intrauer, licentia noſtr Regia inde prius non obtent, Et de eiſdem premiſſis fuerunt ſeiſit in dominico ſuo vt de feodo, ad vſus, intentiones, & propoſita in pred Indentur ſpecificat & declarat. Quæ quidem Manent, meſſuag', terræ, tenement, & cetera premiſſa de nobis tenent in capite, vt dicitur, Sciatis quod nos de gratia noſtra ſpeciali ac ex certa ſcientia et mero motu noſtris, ſaluo nobis homag' noſtr perdonamus, remittimus, et relaxamus pro nobis hered' et ſucceſſor noſtr trangreſſ. in ea parte fact' ac omnimod' intraciones, et ingreſſus in predict' Manent, terr, tenement et cetera premiſſa, ſeu aliquam inde partem ſiue parcel', tam ante preſentem diem quoquo modo fact', ſiue perpetrat, quam impoſter rationē alecuius vſus in predict' Indētur ſpecific' ſeu declar fiend ſeu habend. Et vlterius conceſſimus, ac pro nobis hered & ſucceſſoribus noſtr, quant in nobis eſt, per preſentes concedimus præfat duci W. R. &c. quod ipſi manent, meſſuag', terr, et tenement prædicta ac cetera premiſſa cum omnibus et ſingulis ſuis exit, reddit, proficuis et p̄tin' quibuſcunq; (except præ except) habeant et teneant ſibi ac hered' et aſſignē ſuis ad vſus, intentiones et propoſita in Indentur predict' content & ſpecificat, de nobis hered' et ſucceſſoribus noſtris per ſeruitia inde debita, et de iure conſueta imperpet, abſque impet, moleſt', vexacin', impedimento, ſeu grauamine noſtri heredum vel ſucceſſor noſtr,

noſtr, aut aliqꝰ noſtr' Iuſtic', Eſcaetor, vicecom, balliuorum, aut aliorum officiat' miniſtror' ſeu ſubditor' noſtror', aut hæred vel ſucceſſor, noſtrꝰ quorumcunque. In cuius rei &c.

And it is to be noted, that of all licences to alien temporall land in Portmaine, the fine to the King is fiue yeares value of the ſame.

Of all licences to alien ſpirituall land, (as appropriations of Churches, or other benefices ſpirituall) the fine to the King is foure yeres value thereof.

Of all licences of alienation made of lands holden of the King in Capite, the fine is the third part of the value, the tenth deducted.

Of all pardons of alienation by the Kings tenant in Capite, the fine is one yeares value thereof.

Of all licences of Marriage of the Kings Widow, the fine is the 3. part of the value of her dower by a yeare.

Of all pardons of the Kings Widowes maried without licence, the fine is the whole value of her dower by a yeare.

Exemplification of a recouery with double voucher out of the Prothonotaries office.

IAcobus Dei gratia Angliæ, Scotiæ, Franciç, & Hiberniç, Rex fidei defenſor &c. Omnibus ad quos p̃ſentes litteræ noſtræ puenerint ſalutem. Sciatis q̃ inter placita terræ irrotulat' apud Weſt. coram E.A. Milite & ſocijs ſuis Iuſtic' noſtris de banco. Termiñ S. Hill' anñ Regñ noſtri 2. Roſ x. continetur ſic. Sect. 13.

Eborum. ſſ. Fr.W. & R.S. in proprijs perſonis ſuis, pet̃ verſus I.R. duodecim act̃ prati cum pertinen̄ in M. & K. vt ius & hereditatem ſuam, Et in quas idem I. non habet ingreſſum, niſi poſt diſſeiſinam, quam H, H. inde iniuſte & ſine iudicio fecit præfat' Fr. & R. infra triginꝯ anñ &c.

* Et prædict' I. per W.W. Atturnat' ſuum venit, & alias voc' ad warran̄ T.R. Armigerum, qui modo per ſum̄ ei in com̄ p̃d fact' per T.L. Atturnatum ſuum, venit & gratis predictas duodecim acras prati cum pertinentijs ei warrant' &c. Voucher.

* Et ſuper hoc predict' Fr. & R. pet̃ verſus ipſum T. teneñ per warrant' ſuam predictas duodecim acras prati cum ptiñ in forma predicta &c. Le dd' verſ. le 1. vouchee.

* Et vnde dic' quod ipſimet fuerunt ſeiſiti de pred̄ duodecim act̃ prati cum ptinentijs in dominico ſuo vt de feodo, & iure, tempore pacis, tempore Domini Regis nunc capiendo inde explec' ad valenc' &c. Et in quas &c. Et inde product' ſectam &c. Le count.

* Et predict' T. tenens per warr' ſuam defendit ius ſuum quando &c. Vouch ouſtr.

* Et vlterius voc' inde ad warr' R.H. qui preſens eſt, hic in Curia in propria perſon̄ ſua. Et gratis predict' duodecim acras prati cum pertinentijs ei warrant' &c. Le defence.

* Et ſuper hoc pred̄ Fr. & R.S. pet̃ verſus ipſum R. H. teneñ per warr' ſuum Dd' verſ. 2. Vouchee.

Le Count. ſuam prędict as duodecim acr prati cum pertinentijs in forma prædicta &c. * Et vnde dic' q ipſimet fuerunt ſeiſiti de predic' duodecim acr prati cum ptinentijs in dominico ſuo de feodo & iure tempore pacis, tempore Dom Regis nunc capiendo inde explec' ad valentiam &c. Et in quas &c. Et inde produc' ſectam &c. * Et prædic' R.H. tenens per wārr ſuum defendit ius ſuum quando &c. * Et dic' qđ pred H. non diſſeiſiuit præf. Fr. & R.S. de pred' duodecim acr prati cum pertinentijs, ꝓut ijdem Fr. & R. per breue & narrationem ſuam prędic' ſuper ius ſupponunt. Et de hoc ponit ſe ſuper patriam &c. Et prædic' Fr. & R.S. pet licentiam inde interloquendi. Et habent &c.

Le defente. Non diſſeiſiuit.

Et poſtea ijdem Fr. & R. reueñ hic in curia iſto eodē termino in proprijs perſoñ ſuis. Et prędictus R. H. licet ſolemniter exact' non reueñ, ſed in contemptum curiæ receſſit, & defaltam fecit. * Ideo conſideraf eſt quod prædic' Fr. & R.S. recuperent ſeiſinam ſuam verſus præfat I: de prædictis duodecim acr prati cum pertinenf. Et quod idem I. habeat de terr prædict' T. ad valentiam &c. Et quod idem T. vlterius habeat de terr predic' R.H. ad valentiam &c. * Et idem R. in miſericordia &c. * Et ſuper hoc prædicti Fr. & R.S. petunt breue dom Regis Vicecom comitatus præd dirigend' de habere faciend' eis plenariam ſeiſinam de pd duodecim acr prati cum pertinentijs. Et eis conceditur, returnabile hic a die Paſchæ in quindecim dies &c. Quæ omnia & ſingula ad requiſitionem prædic' Fr. & R.S. tenore pſentium duximus exemplificandum. In cuius rei Teſtimonium. ſigillum noſtrum ad breuia in banco prædic' ſigilland' deputat pſentibus apponi fecimus. Teſte E. A. apud Weſtm duodecimo die Februarij, Anno Regni noſtri &c.

Default. Iudgement.

Recouerie in value. Miſericordia.

When the writ of Seiſin is returned, the returne thereof muſt be entred vpon the ſame Roll, whereon the iudgement was entred, as appeareth in the end of the next ſection.

Another to the like effect.

Sect. 14. Dd' vers terr. IAcobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberñ Rex fidei defenſor &c. Omnibus ad quos preſentes literę noſtræ peruenerint ſalutem. Sciatis quod inter placita terræ irrotulat apud Weſtm coram E. A. milite & ſocijs ſuis Iuſtic' noſtris de banco, Termin' Mich. anñ regñ noſtri 2. Rof 12. continetur ſic.

Le Count. *Notting. ff.* R.T. & R.B. in proprijs perſonis ſuis, pet verſus P.T. generoſum, & W.H. generoſum, maneria de H. & M. cum pertinentijs, ac viginti meſſuagia, decem tofta, vnum molendinum equinum, duo columbaf, triginta gardina, quingenta acras terræ, ducenf acras prati ſexcenta acras paſturæ, treſcenf acras boſci, mille acras iampnorum

&

& brueræ, quingent acras moræ, & 20. solid' redd cum pertin in H. M. D. &c. vt ius et heredit suam, Et in quę ijdem P. & W. non habent ingressum nisi post disseisinam, quam H. H. inde iniuste & sine iudic' fecit prefat R. & R. infra triginta annos &c. * Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, & redditu predict' cum pertinen', in dominico suo vt de feodo, & iure, tempore pacis, tempore domini Regis nunc, capiendo inde explec' ad valenc' &c. Et in quæ &c. Et inde producunt sectam &c. Defence per les terres,

* Et pred P. & W. in proprijs personis suis venerunt & defend ius suum quando &c. Et voc' inde ad warr G. M. generosum, qui presens est hic in Curia in ꝓpria persona sua. Et gratis maneria, tenementa, & redditus pred, cum pertinentijs eis warrant &c. Demand vers Vouchee.

* Et super hoc pred R. & R. pet versus ipsum G. tenen' per warrant suum maneria, tenementa, & redditus pred cum pertin' in forma predict' &c. * Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis & redditu predict' cum pertinentijs, in dominico suo vt de feodo, & iure, tempore pacis, tempore domini Reg' nunc, capiendo inde explec' ad valentiam &c. Et in quæ &c. Et inde producunt sectam &c. Count.

* Et pred' G. tenens per warrant suum defendit ius suum quando &c. * Et vlterius voc' inde ad warrant D. H. qui similiter præsens est hic in Curiá in propria persona sua, & gratis maneria, tenementa, & reddit prædict' cum pertinentijs ei warrant &c. Defence per vouchee. Le reuoucher.

* Et super hoc predicti R. et R. petunt versus ipsum D. tenent per warrant suum maneria, tenementa, & reddit predicta cum pertinentijs in forma prędicta &c. * Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, et reddit prędictis cum pertinentijs in dominico suo, vt de feodo, & iure, tempore pacis, tempore domini Regis nunc, capiendo inde explec' ad valentiam &c. Et in quæ &c. Et inde producunt sectam &c. Dd' vers 2, Vouchee. Le Count vers 2, vouchee.

* Et predictus D. tenens per narrationem suam defendit ius suum quando &c. * Et dicit quod predict' H. non disseisiuit præf. R. & R. de manerijs, tenementis, & redditu pred' cum pertinentiis, prout iidem R. & R. per breue et narrationem suam predictam superius suppoñ. Et de hoc ponit se super patriam &c. * Et pred R & R. petunt licentiam inde interloquendi. Et habent &c. Defence per 2. vouchee. Non diff. Li, Lo.

Et postea iidem R. & R. reuen' hic in Curia isto eodem termino in ꝓpriis personis suis. Et predictus D. licet solemniter exact' non reuen, sed in contemptum curiæ recessit, & defaltam fecit. * Ideo consideratum est quod predict' R. & R. recuperent seisinam suam versus præfatos P. & W. de maneriis, tenementis, & redditu prędictis, cum pertin. * Et quod iidem P. & W. habeant de terra pred G. ad valentiam &c. Et quod idem G. vlterius habeat de terr prædict' D. ad valentiam &c. Le default. Iudgement inde. Recouerie in va'ue.

Miſericordia, *Et idem D. in miſericordia &c. Et ſuper hoc predicti R. et R. petunt breue domini Regis Vicecomiti comitatus prædict' dirigend', de habere faciend' eis plenariam ſeiſinam de maneriis, tenementis, et redditu pred' cum pertinentiis. Et eis conceditur, returnabile hic à die S. Martini in quindecim dies.

Ad quem diem hic venerunt pred' R. et R. in ꝓpriis perſonis ſuis. Et vicecom', ſcilicet, I.B. miles, modo mandat quod ipſe virtute breuis illius ſibi directi viceſimo quarto die No. vltimo præterit', habere fecerit præf. R. et R. plenariam ſeiſinam de maneriis, tenementis, et redditu prædictis, cum pertinentiis, prout per breue illud ſibi preceptum fuit &c. quæ omnia et ſingula ad requiſition' pred' R. et R. tenore preſentium duximus exemplificandum. In cuius rei teſtimonium ſigillum noſtrum ad breuia in banco predicto ſigillandū, deputat', preſentibus apponi fecimus. Teſte &c. Anñ Regni noſtr' &c.

A Dedimus poteſtatem, to take knowledge of a warrant of Atturney of the Vouchee.

Sect. 15 REx & Regina dilecto & fideli ſuo Ra. Ro. ſeruienti ad legem ſalutem. Cum breue noſtrum de ingreſſu ſuper diſſeiſinam in le poſt pendeat coram Iuſtic' de Banco int' W.S. & R.C. gener' peten', & G. T. milit' dominum T. deforc', de Manerio de W. cum ptin' ac de vno meſſuag' ducent' acris terræ 60. acr' prati, 100. acr' paſtur', 100. acris boſci, 50. acr' moræ, et quinque ſolidat' reddit' cum pertinen' in W. & L. in com' Salop, & pred' G. in plena Cur' noſtr' ibidem coram Iuſtic' noſtris predict' comparens vocauit W.C. ad warr' ei Maner' prædict' cum ptinen', ſuper quo tunc et ibidem emanauit breue noſtrum de ſum' ad warr' vic' com' predict' direct' verſus eund' W. C. returnabile, cor' Iuſtic' nr̄is p̄d' in quindena S. Hill' prox' futur'. Et qui predict' W. C. adeo impotens ſui & ſenio confect' exiſtit q̄p vſque Weſt. cor' Iuſtic' noſtris p̄d' ad diem in dicto breui noſtro de ſum' ad warr' content' laborare non ſuffic' vt accepimus. Nos ſtatui eiuſd' W. compatientes in hac parte, Ded' vobis poteſt' & plen' author' Atturn' vel attorn' quē vel quos idem W. C. ad warr' vocand' lucrand' vel perdend' in placito predicto coram Iuſtic' nr̄is p̄d' loco ſuo coram vobis ponere aut conſtituere voluerit recipiend', Noſque inde in Cancel' noſtra de nomine huiuſmodi Atturn' vel Atturnator' debit' certificand'. Et ideo vobis mandamus quod ad præf. W.C. ſi cōmod' ad vos laborare non ſufficit perſonaliter accedatis, Attorn'que ſuum vel Attorn' ſuos coniunctim vel diuiſim in forma pred' recipiatis Et cum Attorn' illum vel Atturn' illos ſic receperitis, nos inde in Canc' noſt' in xv. S. Hillarij vbicunq; tunc fuerit ſub ſigillo veſtro debite certificetis, hoc breue nobis remittentes. T. &c.

It is returned thus.

Respond' infra nominat' R. R. ad hoc breue. Execuc' istius breuis patet in quadam schedula huic breui annex' R.R.

Salop. ff. PRecipe G. T. militi dom̃ T. quod iuste &c. reddat W. S. & R. manēr' de W. cum pertin̄ ac vnum messuag' &c. (vt supr̄ in le Dedimus potestatem verbatim) cum pertin̄ in W.L. quæ clamat &c.

Salop. ff. VOc' ad war' po: loco suo A.B & F.R. coniunctim & diuisim versus W.S. & R.C. in placito terræ.

¶ Capta & cognit' apud Firbeeke in com̃ Ebor' decimo die Februarij, Anno regni dn̄æ nostr̄ę Eliz. &c. 36.

Ra. Ro:

Dedimus potestatem de attorn' rec' in breui de ingressu super disseisinam in le post prō tenent'.

REx dilecto & fideli suo H.W. militi. Salutem. Cum per breue nostrum de ingressu super disseisinam in le post pendens coram Iustic' nostris de com̃n banco nostro inter H.D. & T. H. de 20. acris terræ, trib' acr' prati, & 12. acris pasturæ cum pertin' in M. in comitatu N. Et quia idem T. adeo impotens & senio confect' existit quod absque maximo corporis sui periculo coram Iusticiar' nostris p̄d' ad diem in dicto breui nostro contentū laborare non sufficit, vt accepimus. Nos statui eiusd' T. pie compatientes in hac parte, ded' vobis plenam potest' & authoritat̄ attorn̄ vel attornatos coniunctim vel diuisim, q̄ vel quos idem T. ad lucrand' vel perdend' in placito pred', coram Iustic' nostris pred' loco suo coram vobis ponere aut constituere voluerit recipiend', nosque inde in Canc' nostra de nomin̄ hm̄di attorn̄ vel attornatorum debite certificand'. Et ideo vobis mandamus quod ad p̄f. T. si commode ad vos laborare nō sufficiat personaliter accedatis, attornatumq; suum vel attorn̄ suos coniunct' & diuisim in forma pred' recipiat. Et nos in Canc' nostra de nomine hm̄di attorn̄ vel attornatorum ipsius T. in Crast' Sancti I. prox' futur' vbicunq; tunc fuerit sub sigill' vr̄o debite certificetis hoc breue nobis remittentes, T. 25. die Aprilis Anno regni Regis &c. Sect. 16.

It is returned thus.

REspondend' in fa nominat' H.W. ad hoc breue, execuc' istius breuis patet in quadam schedula huic breui annex' H.W.

Nott. ff. PRæcipe T. H. quod iuste &c. reddat H.D. 20. acras terræ &c. vt supra in le Dedimus potestatem verbatim,

cum pertinentijs in M. quæ clamat &c.

Notting. ff. T.H. po: loco suo A.B. & F.R. coniunctim & diuisim versus H.D. de placito terræ.

¶ Capta & cognit apud Firbeeke in com Eborꝫ decimo die Februarij, Anno regni dñi nostri Ia: &c.

H.W.

Aliud breue de Ded' potest' rec' attorn' ten' super breue de ingressu.

Sect. 17. REx reuerendo in Christo patri Cuthberto Episcopo D. & W.B. Salutem. Cum breue nr̄ū de ingressu super disseisiñ in le post pendeat coram Iustic' nr̄is de Banco inter A.B. milit petentem, & C.D. armig' tenentem de quarta parte Manerij de F. cum pertiñ ac 800. acr̄ terræ, 20. acris prati, 200. acris pasturæ, 300. acr̄ bosci, & quadraginť libr̄ reddit cum ptiñ in F. p̄d in com Essex. Et quia idem C. adeo impotens sui & senio confect' existit q̄ absq; maximo corporis sui periculo vsque West. ad diem in dicto breue content ad personaliter cōparend' & ad id qđ in eod̄ tunc ibid̄ fieri expediens foret faciend & agend, laborare non fuit, vt accepimus. Nos statū ipsius C. compatientes in hac parte, Ded' vobis & vtriq; vr̄m coniunctim & diuisim plen̄ potest' & author recipiendi Attorn̄ predict' C. quē vel quos idem C. personaliť cor vobis vel vno vr̄m versus p̄f. A. in breui p̄dict' pendeñ coram p̄f. Iustic' nr̄is loco suo ponere, attorn̄, vel constituere voluer ad placita placitand, warr̄ vocand, lucrand, vel perdēd in breui illo. Et ideo vobis & vtrique vr̄m coniunctim & diuisim mandamus qđ ad p̄f. C. si commod' ad vos laborare non sufficiat, personaliter accedentes Attorn̄ vel Attorn̄ quem vel quos idem C. personaliť cor vobis vel vno vr̄m in breui p̄dict' coram p̄f. Iustic' nostris pendeñ versus p̄f. A. ad placita ibid̄ ad p̄f. terminum placitand' warr̄ vocand, lucrand, vel perdend, loco suo ponere Attorn̄ & constituere volueritis, recipiatis vel vn' vestr̄ recipiat. Et cum attorn̄ vel attorn̄ hūdi fio receperitis, vel vnus vr̄um receperit, nos in Canc' nostra denomine vel nominib' hūdi attorn̄ vel attorn̄ ipsius C. in Oct' Sancti Hill' proxꝫ futur̄ vbicunq; tunc fuerit, sub sigill' vr̄is vel vnius vr̄um debite certificetis, vel vn' vr̄um certificet, hoc breue nobis remittentes, Teste &c.

* *The forme of a Recouery with single voucher.*

PRecipe S.H. quod reddat A.B. & C.D. 40. mesſuagia cum pertiñ in G.D.R. &c.

Pred' S.H. po: loco suo R.F. & T.N. coniunctim & diuisim versus pred' A.B. & C.D. in placito terræ.

W.A.

W. A. quem prædict' S.H. vocat ad warrantiam ponit loco suo G.M. & T.F. coniunctim & diuisim versus predict' A. B. & C.D. in placito terræ.

Prædict' A.B. & C. D. ponunt loco suo R. C. & F. C. coniunctim & diuisim vers. pred̄ S.H. in placito terræ.

A common recouerie had by diuers against one, of diuers manors &c. within the Countie Palantine of Chester, before the Iudges of the Shires or Counties.

DE placitis com̄ Cestriæ apud Cestriam coram T.E. ar̄, filio T.E. mi. lit̄ Iustic' dom̄ Reg. ibidem die martis proxim̄ post festum exaltationis Sanctæ Crucis Ann̄ regni Regis Henrici octaui post conquestum Angliæ octauo. Sect. 18.

R.E. miles, P.D. miles, I.S. filius & hęres apparens T.S. de W. T.S. filius & hæres apparens R.S. de S. & G. L. capellanus per Th. B. attornat̄ suum in cur̄ dñi Regis, hic petunt vers. H.S. de O. arm̄ manet̄ de O. alias O. cum pertinent̄ & 14. messuag' &c. vt ius & hereditatem suam, & in quæ idem H. non habet ingressum nisi post disseisin̄ quam Th. Cutt inde iniuste & sine iudicio fecerit pref. R.P.I.T. & G. post quam I. Scoticus fact' fuit comes Cest' &c. Et vnde ijdem R.P.I.T. & G. dicunt q̄d ipsimet fuer̄ seisiti de eisdem manet̄, messuag', terris, prat̄, past', bosc. turbar̄ mosset̄, & reddit̄ cum pertinen̄ &c. in dominico suo vt de feod' tempore pacis tempor̄ dñi Regis nunc capiēd̄ inde expleciones ad valenc' &c. Et in quę &c. & inde produc' sectam &c.

Et pred̄ H. S. arm̄ in propria persona sua ven̄ & defendit ius suum quando &c. & vocat ad war̄ T.N. qui p̄sens est in curia in propria persona sua & gratis eidem H. S. manet̄, messuagium, terr̄, tenement̄, prat̄, pastur̄, bosc' turbar̄, mosset̄, & reddit̄, & medietatem manerij de E. superius petit̄ cum pertinen̄ warrantizat. Et sup hoc p̄dict' R.P.I.T. & G. petūt versus eundem T.N. teñt p warran̄ suam p̄d̄ man̄riū, messuag' &c. & medietatem manerij de E. cum pertinen̄ in forma pred̄ &c. & vnde dicunt quod ipsimet fuerunt seisit̄ de eisdem manet̄, messuag, terr̄, prat̄, pastur̄, bosc' turbar̄, mosset̄ reddit̄, & medietat̄ manerij de E cum pertin̄ in dñico suo vt de feodo, tempore pacis tempore dicti dñi regis nunc capiend̄ inde expleciones ad valenc' &c. Et in quæ &c. Et inde producunt sectam &c.

Et pred̄ Th. N. ten̄ per warrant̄ suam defend̄ ius suum quando &c. Et dicit quod pred̄ T.C. non disseisiuit prætat̄ R.P.I.T. & G. de predict' manerio, messuagio, terr̄ prat̄, pastur̄, bosc', turbar̄, mosset̄, & reddit̄, & medietat̄ manerij de E. superius pet̄ cum pertinentijs modo & forma prout prædict' R.P.I.T. & G. per breue & narrati-

oneꝝ ſuam prędict' ſupponunt &c.

Et prędc R.E.P.D.I.T. & G. petunt licenc' inde interloquendi hic &c. & habeant. Poſteaque iſto eodem conſ hic &c. prędc R. P. I. T. & G. per Atturnat ſuum prędc' ſeuen' in cur' domini Regis &c. Et prędict' T.N. tenēs per warr' ſuam licet ſolemniter exact' non ſeuenit ſed in contempt' cur' hic receſſit & defalt' fecit. Ideo conſideratū eſt per Iuratores conſ̄ pd̄ quod prędc R.E.P.D.I.T. & G. recuperarent ſeiſinam ſuam verſus prędict' H.S. de prędict' mañ, meſſuag', terr', prat', paſt', boſc', turbar', moller', reddit', & medietat' manerij de E. ſuperius petit' cum pertiñ. Et quod idem H. habeat de terra prędc T. N. ad valenc'. Et idem T.N. in miſerecordia.

A common Recouerie by diuers before the Iuſtice of Cheſter, and Iudges of the ſame Countie of a Manor &c. Temp' H.8.

Sect. 91. DE placitis conſ̄ Ceſtriæ apud Ceſtriam coram T.E. ar' filio T.E. mil' Iuſtic' domini Regis ibidem die Martis in prima Septimana quadrageſim', Anno Regis H. 8. 21.

R.B.W.B.B.B. filij R.B. miht' O.B. H. D. filius & hęres R.D. armig' defunct' D.D. de E. & R.C. capellanus pęr Th. B. atturnat' ſuum in curia domini Regis hic petunt verſus R.D. capellañ & T. H. de ciuitate C. manēt de W. cum pertinentijs, 30. meſſuag' vnum molendinum aquaricum, 500. act' terr', 400. act' prati, 200. act' paſtur', 100. acras boſci, 20. act' turbar', 40. acras terræ aqua coopert', & xl. li. reddit' cum pertiñ in W. & O. vt ius & hęreditat' ſuam, & in quæ idem R. & T. non habent ingreſſum niſi poſt diſſeiſinam quam T.C. iniuſte & ſine iudicio fecit prædict' R.W.B. &c. poſtquam I. Scoticus factus fuit comes Ceſt' &c. Et vnde ijdem R.W.B &c. dicunt qđ ipſimet fuerunt ſeiſit' de eiſdem manēt, meſſuagij, molend', terr', prat', paſtur' boſc' turbar', terr' aqua coopert' cum pertinenc' in dominico ſuo vt de feodo, tempore pacis tempore dñi regis nunc capiend' inde expleciones ad valenc' &c. Et in quæ &c. Et inde producunt ſectam &c.

Et prędc R.D. & T.H. in proprijs perſonis ſuis veñ & defendūt ius ſuum quando &c. & vocant inde ad warran W.M. arm̄ qui præſens eſt hic in curia in propria perſona ſua & gratis manēt, meſſuagium, molendin, terr', prat', paſt', boſc' turbar', terr' aqua coopert' pd̄, eid̄ R.D. & T.H. warrantizat &c. Et ſup hoc pd̄ R. & W.B. &c. petūt verſus ipſum W.M. arm̄ tenēt p warran ſuam pd̄ nup̄ priū, meſſuag' molend', terr', prat', paſtur', boſc', turbar', terris aqua coopert', & reddit' ſuperius petit' cum pertinēn in forma pd̄ &c. & vnde dicunt qđ ipſimet fuerunt ſeiſit' de eiſd manēt, meſſuag, molend', terr', prat', paſtur', boſc' turbar', terr' aqua coopert' & reddit' cum priū in dñico ſuo vt de feodo tēpore pacis tēpore dict' dñi regis

nunc

nunc capiend' inde explecciones ad valenc' Et in quar &c. Et inde pducunt lect' &c.

Et pd W. M. armig' tenens per warrand' suam defendit ius suum quand &c. Et vocat inde ad warrant' Th. Needham qui presens est hic in cur in propria persona sua, &c. qui dicit manet messuag' molend' terr', prat, pastur', bosc', turbar' terr' aqua coopert & reddend' prædict' cum pertinen eidem M. M. warrantizat &c. Et super hoc pred R. W. B. & an petunt versus ipsum Th. Needham tenen per warrant' suam pdict' Manet' messuag', molend', terr' prat, pastur', bosc', turbar', terr' aqua coopert & reddit, superius petit cum pertin informa pd &c. Et unde dicunt ipsimet fuerunt seisiti de eisd manet' messuagijs, molend' terr' prat, pastur, bosc', turbar, terra aqua coopert & redd superius petit cum pertin in dominico suo vt de feodo tempore pacis, tempore suo' domin regis nunc capiend' inde explecciones ad valent' &c. Et in quar &c. Et inde pducunt lectam &c.

Et pd Th. Needham tenen' per warr' suam defend' ius suum quando &c. Et dicit quod pred T. Curtenay disseisiuit pred R. W. B. &c. de manerio, messuag', molend, terr, prat, pastur, bosc' turbar, terr aqua coopert & redd cum ptin modo & forma, &c. vt idem R. W. B. &c. p breue & narrationem suam superius supponunt &c.

Et pred R. R. W. &c. petunt licenciam inde interloquendi hic &c. et habent &c. Posteaque isto eodem com hic &c. ijdem R. W. B. &c. per pred Attornat' suum reuen in cur dñi regis. Et pred T. N. tenens per warr' suam licet solemniter exact' non venit, sed in contempt curiæ, hic recessit et defaltam fecit: &c. Ideo concessum est per Judicatores com pd qd pd R. W. B. &c. recuperarent seisinam suã versus pred R. D. & T. H. de predict' manerio, messuagijs, molend, terr, prat, pastur, bosc' turbar, terra aqua coopert, redd superius petit cum pertin &c. Et quod pred' R. D. & T. H. habeant de terris pred W. M. ad valenc' &c. Et quod idem W. M. habeat de terris pred T. N. ad valenc' &c. Et idem T. N. in misericordia &c.

The like common recouerie in the said Countie of Chester to the next before, and of the same manor & lands in the time of the said king

DE placitis com Cestriæ apud Cestriam coram T. E. arm. filio T. E. milit iustic' dom Regis ibm die Martis post festum decollationis sancti Iohannis Baptistæ, Anno Regis H. 8. post conquestum Angliæ 21. Sect. 20.

R. B. de Cestr R. B. W. B. B. B. filij R. B. milit & O. B. per T. B. Atturn suum in curia domini Regis hic petunt versus W. M. armig' manet de W. viginti tria messuag' vnum molendinum aquat, trescent acras terræ,

uerę, viginti ac̃ pasturę, quadraginta acras bosci, decem ac̃ turbar, & decem acras terræ aqua coopert cum pertin in W. M. &c. Vt ius & hęreditatem suam, & quas idem W. M. non habet ingressum nisi post dissesin quam T. C. inde iniuste & sine iudicio fecit præfat R. R. W. B. & Cop. quorum I. Scott cui ea fuit comes C. &c. Et vnde dicit idem R. R. W. &c. dicunt quod ipsimet fuerunt inde seisiti de eisdem mesuagiis, molend, terr, prat, pastur bosci turbar, & terr aqua coopert cum pertin in dnico suo ut de feodo tempore pacis tempore domini regis nunc, capiendi inde explecionem ad valenc̃, Et in quæ &c. Et inde producunt sectam &c. Et vnde &c. Et vnde &c. Et vnde

SYMBOLEOGRAPHY.

Of Indictments and Offences.

Of Indictments.

AN Indictment is a bill or declaration made in Sect. 1.
formes of Lawe (for the benefit of the common wealth) of an accusation for some offence, either Criminall or Penal, exhibited vnto Iurors, and by their verdict found and pretended to be true, before an Officer hauing power to punish the same offence. And such an Indictment is made to the ende to compell the partie accused to answere thereunto.

In euery Indictment two things ſtande principally to be considered: first, the very offence, for reformation whereof the Indictment is framed. And then the right forme of the Indictment it selfe, according to the diſtinct qualities of euery seuerall offence.

Wherefore, as in my treatise of Extraiudicial Symboleography, I haue first discoursed how obligations spring of consent, and then disclosed the seuerall formes of Instruments thereof: So in this I haue thought good first briefly to vnfold the sundry natures of offences, and defaults, and how they bind the offendor. And then to lay downe the doctrine and seuerall formes of Indictments concerning the same.

Offence.

AN offence therefore, is a fact done vnlawful and forbidden by na- Sect. 2
ture or lawe, whether the same be in committing or omitting, whereof the one for learning sake, may fitly be termed an offence, and the other a default; for in Law thought is free from offence.

Indeauour.

BVt so is not Indeauour many times, because therein is guile and Sect. 3
purpose to offend.

Offence publike and priuate.

AND euery offence is of the state publike, or priuate, and is there- Sect. 4
of termed.

The diſcription of both which offences is drawne sometime from the maner of doing: but may perchance more fitly be taken from the obiect which is hurt, vnleſſe some thinke good to conioine them both.

Sympathie betweene the common wealth and her members.

Sect. 5. FOr certes, when a priuate person is offended, it cannot lightly be denied but that the common wealth is thereby also offended, and againe, the common wealth being offended, how can it be chosen but euery Subiect thereof is also affected as being a member of the same.

So great a Sympathie and mutuall suffering being in them, as betweene the head and members of naturall body.

But inasmuch as some offences done, more merely respect priuat wealth, and some other more merely the weale publike, those be termed priuate, and these publike.

Offence publike and priuate.

Sect. 6. A Publike offence, is a grieuous fault committed against the common wealth. A priuate offence is an offence against the weale of a priuate person.

Offences kinds.

Sect. 7. EVery offence of his owne nature maketh the offender bound to the common wealth, or to a priuate person, or to both, and not only they which actually commit offence, but they also which command, perswade, counsel, procure, abbet, aid or consent that an offence be perpetrated, or conceale it being done, are censured to offend.

Offences named and vnnamed.

Sect. 8. AN offences are either named or vnnamed.

Offences named be such offences as haue certaine names in Law.

Offences vnnamed.

Sect. 9. VNnamed offences be those which albeit they bin committed, yet haue they no certain name set forth in our law, whereby they may be called.

Offences named.

Sect. 10. AGaine offences named be either our owne or other mens faults, by which we are bound, and they haue a certaine name in Law, whereby to be termed.

Offences simple.

Sect. 11. OVr owne proper offences be either simple or mixt.

Our simple offences be such as be committed by our own sayings or deeds.

Offences mixt.

Sect. 12. AND the mixt be those which be committed by words and deedes both together.

Offences by word.

Offences

Offences by sayings only, be they by which the mind, dignity, or fame of another man (which is compared to life) is hurt and not his body, and these are also done by counsell and contumelious words. Sect. 13.

Counsaile.

By Counsaile, as through wicked perswasion.

Wicked perswasion is fraudulent counsaile given to any, whereby his minde is corrupted and made worse to do or attempt any thing, naughtily: which yet doth not induce necessity to do the thing, though it binde him that giueth such counsaile. Sect. 14.

Offence by contumelious words.

And, offence or crime by words, is when through peruers words, the good name, credit, or dignity of a man is impaired. Sect. 15.

Slaunder.

And it is either by voice or writing, and is called Slander, which is either against God or man. Sect. 16.

Slaunder against God.

Slaunder against God, is whereby the Maiestity diuine is euill spoken of. of this sort be blaspemie, Magike, Heresie, Apostasie, and Periurie. Sect. 17.

Blasphemie.

Blasphemie is a wicked saying, or slaunder, pronounced against God, touching his Essence or word reuealed. Sect. 18.

Magicke.

Magitians be those which by vttering of certaine superstitious words conceiued, aduenture to attempt things aboue the course of nature, by bringing forth dead mens ghosts, as they falsly pretend, in shewing of things either secret or in places farre off, and in shewing them in any shape or likenes. These wicked persons by oth or writing written with their owne bloud, hauing betaken themselues to the diuell, haue forsaken God, and broken their couenant made in Baptisme, and detest the benefits thereof, and worship the diuell only: And setting their whole hope in him, doe execute his commandements, and being dead, command both their bodies and soules vnto him. Sect. 19.

Southsaying Wizzards.

Of this kinde of Magitians, be all those which ensue, as Southsayers or Wizards, which diuine and foretell things to come, and raise vp euil spirits by certaine superstitious and conceiued formes of words. And vnto such words as be demanded of them, doe answere by voice, or else set before their eyes in glasses, Chrystall stones or rings, the pictures or images of things sought for. Sect. 20.

Diuination.

The professors of the art of diuination which be puffed vp with pro- Sect. 21.

pheeying

phecying spirits. And can manifest who hath stolne things, and tell where things lost or stolne be.

Ingling.

Sect. 22. IVglers and sleightie Curers of diseases, which for the curing of all sicknesses and sores of man and beast, vse either certaine superstitious words or writings called charmes or spels hanged about the neck or some other part of the body.

Inchantings and Charming.

Sect. 23. Inchanters or Charmers through certaine words pronounced and characters or images, herbes or other things applyed, thinke they can doe what they list, the diuell so deceiueth them; or in very deede dispatcheth those things which the Inchanters would haue done: from these somewhat differ Witches or Pagges, and Augurers or Southsayers by birds, Diuiners by seeing the intrals of beasts sacrificed.

Witcherie.

Sect. 24. A Witch or Hagge, is shee which being eluded by a league made with the diuell through his perswasion, inspiration and ingling, thinketh shee can designe what maner of euill things soeuer, either by thought or imprecation, as to shake the aire with lightnings and thunder, to cause haile and tempests, to remoue greene corne or trees to another place, to be caried of her Familiar, which hath taken vpon him the deceitfull shape of a Goate, Swine or Calfe, &c. into some mountaine farre distant, in a wonderfull short space of time. And sometimes to flie vpon a staffe or forke, or some other instrument. And to spend all the night after with her sweet heart, in playing, sporting, banqueting, dancing, daliance, and diuers other diuellish lustes, and lewd disports, and to shew a thousand such monstrous mockeries.

Heresie.

Sect. 25. HEresie, is a resolute and obstinate error in some article of our Christian faith, 2. Tim. 4. 1. 2. Pet. 2. 1. 1. Cor. 11. 19. Rom. 16. 17.

Anabaptisme.

Sect. 26. AMongst Heretikes are numbred Anabaptists, which wickedly iterate holy Baptisme, which hainous offence is very grieuous, as by which the Maiestie of Almightie God, and the promise which in the first Baptisme was effectuall, are violated.

Apostasie.

Sect. 27. APostasie followeth, which is a forsaking of the Christian faith. And Apostasie happeneth two waies, either when any man partly reuolteth from true religion into a wicked sect, reteining stil the name and title of Christianisme, or when the contrary side of the Iewes or Pagans so please him, that he wholy forsaketh the profession of the Christian both in name and substance.

Periu-

Periurie.

PEriurie is a lie affirmed by othe.
So much of slanderous speeches against God. Sect. 28.

Slander against man by word.

A Slander against man is to an iniurie done to him by words or Sect. 29.
writings. By words when any thing is said or done by words to the contempt or reproch of another.

By writing.

Iniurie by writing is done by a slanderous libel or picture. Sect. 30.

By libell.

A Slanderous libel, is when a libel, epigram, rime, or other writ- Sect. 31
ting, is produced, written, or composed to the note or contumely of any man, or the same procured to be bought or solde, that by that meanes the dignitie or fame of another man may be hurt.

By picture.

An infamous or slanderous picture, is when any man to his infa- Sect. 32
mie or ignominy is painted in any infamous or dishonest habit or fact, as hanging upon the gallowes, or in some euill place or maner.

We haue shewed the offences cōmitted by words, by which a mans name or dignitie is harmed: let vs now hasten to those which are done by deeds.

Offences by deeds.

And they be said to be done by deeds, not because they are not alto- Sect. 33
of minde and purpose: but for that they chiefly consist in the fact without which it may verie hardly be iudged of their punishment. And for that such offences are not perpetrated against the minde, but the body either of man or his goods, whether it be done mediatly or immediately. Offences by deeds either altogether destroy a thing, or at the least impaire the same.

Destruction.

DEstruction is the vtter killing or corrupting of things. Sect. 34
And it is either of a fact permanent and apparent: or transitorie and during but a little while.

Facts Permanent.

A Permanent fact, is that whose very steps and prints abide, & are Sect. 35
to be seene after the offence done: of this kinde be slaughter and burning.

Slaughter.

SLaughter is a killing done by any meanes, and it is either of man Sect. 36
or beast.

Homicide.

THe slaughter of man is called Homicide, which is euery taking Sect. 37
away of life from any person bond or free by man done with violence,

by

by which the soule is seuered from the body, by what maner of meanes so euer it chance, whether by sword, staffe, or other weapon, or by venim or poison, the cause of death be giuen.

Voluntary.

Sect. 38 HOmicide is either voluntarie or casuall.

Homicide voluntarie is that which is deliberate and committed of a set minde and purpose to kill.

Malicious.

Sect. 39. HOmicide voluntarie is either without precedent malice, or with precedent malice.

Of Homicides voluntarie without malice precedent, some are commanded, and some tollerated by law, and others forbidden.

Commanded.

Sect. 40. HOmicides voluntarie commanded by law are such as are done either for iustice sake, or vpon vrgent necessitie.

For Iustice.

Sect. 41 HOmicide for iustice sake, is the inflicting of ordinarie punishment vpon heinous offendors by death, which is dispunishable, yet in this case it behoueth the Iudge, and other officers to be free from desire of bloud and priuate reuenge.

Necessarie.

Sect. 42 HOmicide vpon necessitie is either in the due and orderly execution of iustice, as the killing of the offendors in felonie which resist or fly officers hauing warrant to arrest or detaine them, or persons pursuing them with hue and cry, or rioters resisting Iustices of the p. which come to arrest them, or prisoners resisting their gailors, if such offendors cannot otherwise be attached or holden. So is it of persons riotously assembled, resisting persons authorized to apprehend them, 1. Mar. ca. 12. And likewise of offendor in parks, forrests, and wardens resisting or flying away after hue and cry, 21. Ed. 1. and Burglers and Robbers: all which homicides are dispunishable, 26. Ass. 32. and diuers other in like cases by sundry Statutes.

Se defendendo.

Sect. 43 HOmicide vpon necessitie in ones owne defence is termed Se defendendo, & is where any man being assaulted by any other, flyeth so farre as he can without inevitable danger of death, and then in defending himselfe killeth his aduersarie, yet for this offence he loseth his goods, and must procure pardon for his life, Glouc. ca. 9. 43. Ass. 31.

Forbidden.

Sect. 44 HOmicides voluntarie forbidden by Law, without precedent malice, is manslaughter or homicide, or by chance medley, which is where two men void of all former malice and euill will, meeting together

that by chance, and vpon sudden falling out, thone of them killeth the other with violence, neither for iustice, nor in case of necessitie, Plow. fol. 110. & 101. 21. H. 7. fol. 23.

Homicide malicious.

THus much of voluntarie homicides without malice precedent. Sect. 45.
now of homicide voluntarie of malice proceeding, which is termed murder, and is the felonious killing through malice prepensed of anie person living in this Realme vnder the Kings protection.

Of a mans selfe.

AND it is eyther of himselfe, or of another.

Homicide of the partie himselfe, is termed felo de se. And is Sect. 46.
where any man of hatred conceiued against himselfe, doth desperately, wilfully, and feloniously kil or destroy himselfe by hanging, drowning, poysoning, or otherwise.

Murder.

MUrder of others then the selfe partie, is the like wilfull and felo- Sect. 47.
nious killing of any other of premeditate malice. And if thoffendor did owe by Law vnto the partie slaine any ciuill obedience, it is in some cases termed petit treason. As, if the wife kill her husband, the seruant his master or mistris, or a Clerke his Ordinarie by reason of the reciprocall trust and loyaltie which the Law requireth betweene such persons, and this offence is therefore farre more heynous then any of the other homicides.

Homicide casuall.

THus briefly of homicides willingly done: homicide casuall, which Sect. 48.
may also be termed homicide by mischance, misfortune, or misaduenture, is, when he that killeth another, had no will, intent, mind, or purpose so to doe, or the man is slaine by some other thing then a man. In which case the offendor is to haue his pardon of course for life and land, but yet must lose his goods. And this homicide is eyther meerely casuall or mixt.

By Chaunce.

HOmicide by meere chance, is, when by meere fortune against the Sect. 49.
minde of the killer, a man is slaine. As if one hewing, the axe flyeth off the haft, and kill one, or if a man lopping a tree, warneth the bystanders, that the tree is ready to fall, and yet by the same some of them is slaine, or in throwing tiles from an house, or such other lawfull acts, or the partie is killed by some other thing then man by misfortune, as by falling from an horse or cart, by a stroke of an horse, or any other moueable thing then man. In which case, the thing which killed him, and all things that moued the same, are forfeited to the King, and termed a Deodand: as if a cart which goe ouer a man and kill him, the

where, cart, and all things therein, and the horses that drew the same, be all Deodands. 3. Ed. 3. vnde versus.

Omnia quæ mouent ad mortem, sunt Deodanda, Dyer fo. 78. pl. 37.

Mixte.

Sect. 50. MIxt is, when the killers ignorance or negligence is ioyned with the chance, as if a man loppe trees by an high way side, by which many vsually trauaile and cast downe a bough, not giuing warning to take heed thereof, by which bough, one passing by is slaine, in which case he offendeth, because he gaue no warning, that the partie might haue taken heed to himselfe.

Thus yon see the diuers kinds of Manslaughter.

Slaughter of beasts.

Sect. 51. THe slaughter of beasts followeth, by what meane soeuer it commeth, which is a damage done by iniury and wrong, guile or default against the Law, which might or ought to haue beene taken heed of. Of this offence springeth an action to the owner of the beast, according as the value thereof shall be esteemed by a Iurie.

Burning.

Sect. 52. THus farre of slaughters of man and beast: burning insueth, which is also felony, as the wilfull burning of a dwelling house, 3. H. 7. 10 And burning of a barne adioyning to a dwelling house by night, 11. H. 7. fo. 1. And burning of a barne with corne, not adioyning to a dwelling house by day.

Offences transitorie.

Sect. 53. ANd these concerning offences of continuing facts, those follow which are of transitorie or momentarie facts, as vnlawfull copulation, burglarie, and theft.

Adulterie and fornication.

Sect. 54. VNlawfull copulation is euery carnall coniunction had out of lawfull matrimony, and it is termed fornication or adultery, which is first either naturall, or against nature, and either voluntary or violent. Fornication naturally committed, is betweene man and woman, which if it be perpetrated betweene kinsfolks, is said to be incest. Copulation violent is termed a rape or rauishment of a woman against her will, which is carnall knowledge had of a woman, who neuer consented thereunto before the fact nor after, and this offence is felonie in the principall and his aydors, 11. H. 4. 13. 1. Ed. 4. 1. Westmon 2. cap. 13. And carnall abuse of a woman child vnder tenne yeares old, is felony, 18. Eliz. cap. 6.

Sodomie or buggerie.

Sect. 55. COpulation against nature, is by male or female against nature, or by female with female, or with beasts which is called Sodomy or bugge-

buggery, 25.H.8.cap.5. 5.Eliz.cap.17. which be felonie.

Burglarie.

Burglarie is a felonious entring into an other mans dwelling house, wherin some person is, or into a Church, in the night time, to the end to commit some felony therin, as to kil some man, or to steale somewhat thence, or to doe some other such felonious act there, albeit he execute not the same, if the intent or fact of this offender be to steale, this is like robbery, if to murder, it differeth not much from murder, and so of other felonies. Sect.56

House-robbing.

The offence against the statutes of 23.H.8.ca.1. and 3.Ed.6.ca.9. somewhat resemble this, for by them it is ordeined, that if any person doe robbe another in any part of his dwelling place, or in his bothe, or tent, in any faire or market, and the owner or his wife, children or servants being within the same, he committeth felony. Sect.57

Theft.

Theft enlueth, in which not so much the destruction of a thing, as the taking away of the same chanceth. Sect.58

Theft is an unlawfull felonious taking away of an other mans moueable personall goods, against the owners will, with intent to steale them. And it is from the person, or in presence of the owner, or in his absence.

From the person.

Theft from the owners person or presence, is of two sorts, the one putting the owner in feare, the other not. Sect.59

Robberie.

Robbery is a felonious taking away of another mans goods from his person, or presence, against his will, putting him in feare, and of purpose to steale the same goods. Sect.60

And this robbery is sometime termed violent theft, because the partie is in the law thereby terrified.

Without feare.

Theft from the owners person, not putting him in feare, is by cutting or picking his purse, and stealing the mony, or purse, or both: this is done sleightly, without the owners feare or priuitie. Sect.61.

But to perfect this offence, an actuall possession of the thing taken, once seuered from the person of the owner, firmeth necessary in the offendor, and that the thing stollen exceed the value of twelue pence.

Theft of goods in the owners absence, is termed Larceny, which is nothing else but a felonious and fraudulent taking away of an other mans moueable personall goods, not being vpon the person of the owner, nor in his presence. And Larceny inrespect of the things stollen,

is either great or small: For great Larciny is, when the things stolen, though they be taken at seuerall times, exceed the value of xij.d. And pety larciny is, when the goods so taken exceed not the value of twelue pence.

Hurting and violence.

Sect. 62 NOw then crimes comming from the destruction of things, being thus hastily runne ouer: Let vs step one to the other, which haue their name of the hurting of the thing, and violent hurting destroieth not the body, but harmeth and annoieth it, and maketh either the body, or the estate and condition thereof worse.

Hurts to the body of the Common wealth, as treasons.

Sect. 63 AND through certaine offences is hurt to the Common wealth immediatly and allwayes, or the members thereof. The Common wealth is hurt, either in respect of the amplitude and maiestie thereof, or of the profit and commodity thereof, which is hindered or intercepted.

When the amplitude and maiestie thereof is harmed, the offence is called treason.

And these treasons be high treason, or petie treason: High treason is when thoffence is done against the securitie of the common wealth, or of the Kings most excellent Maiestie, who is the true and vndoubted Soueraigne and chiefe head thereof: whether it bee by imagination, word, or deed, as to compasse or imagine treason, or the death of the Prince, or of the Queen his wife, or his sonne and heire apparant, or to deflower the Kings wife, or his eldest daughter vnmaried, or his eldest sonnes wife, or leuie warre against the King in his realme, or to adhere to his enemies, ayding them, or to counterfeit the Kings great seale, priuy seale, or mony, or wittingly to bring false mony into this realme, counterfeited like vnto the money of England, and vtter the same.

Or to kill the Kings Chauncellor, Treasurer, Iustice of the one Bench, or of the other, Iustices in Eire, Iustices of Assise, Iustices of Oyer and Terminer being in his place, and doing of his office, 25. Ed. 3. cap. 2.

Forging of the Kings signe Manuel, or priuie signet, priuie seale, or forraine coine currant within this realme, 2. Mar. cap. 6.

Diminishing or impairing of money currant, 3. Eliz. cap. 11. & 18. Eliz. cap. 1.

The second offence in refusing the oath of supremacie, 5. Eliz. cap. 1.

Or the compassing to deprive the King of his crowne, 1. Eliz. cap. 6.

Or to destroy the King, 1. Eliz. cap. 6.

Or to leuy warre within the realme against the King, 1. Eliz. cap. 6

Or to affirme, that the King or the heires of his bodie, is not or ought not to be King of England, or that any other ought, 1. Elizab: cap: 6:

Or intending the bodily harme of the King, 13. Eli: cap: 1.

Or to leuie warre against the King, 13. Eli: cap: 1.

Or to moue forreine inuasions of this Realme, 13. Eli: cap: 1.

Or to declare that the King is not King, 13. Eli: cap: 1.

Or to declare that any other ought, &c. 13. Eli: cap: 1.

Or to affirme the King to be an Heretike, Schismatike, Tyrant, Infidell, or vsurper of the Crowne, 13. Eli: cap: 1.

Or to claime the Crowne after the King, 13. Eli: cap: 1.

Or to affirme, that the common Lawes or Statutes cannot binde the right of the Crowne, 13. Eli: cap: 1.

Or to maintaine the authoritie of the Bishop of Rome, 5. Eli: cap: 1.

Or to obtaine any Bull from Rome, 13. Eli: cap: 2.

Or to giue, take, or promise absolution thereby, 13. Eli: cap: 2.

Or to conspire to enlarge any imprisoned by the Kings commaundement for treason touching his person, or suspition thereof, 14. Eliz: cap: 2.

Or to withhold any of the Kings castles or holds, 14. Eli: cap: 1.

Or any of his ships or ordonance of warre, 14. Eli: cap: 1.

Or not to render the same castles within fiue dayes after proclamation, 14. Eli: cap: 1.

Or to destroy any of the Kings ships, 14. Eli: cap: 1.

Or to barre any of the Kings hauens, 14. Eli: cap: 1.

Or to perswade any subiect from naturall obedience, or religion: or to the obedience of any other, or to be so perswaded, 23. Eli: cap: 1.

Or for Iesuits to come into, or be in this Realme, 27. Eli: cap: 2.

Or to be a Seminarie, and not returne into this Religion, within fiue moneths after proclamation, and take the oath of allegeance, 27. Eli: cap: 2.

It is also to be noted, that all manner of accessaries to the seuerall treasons aboue mentioned, are guiltie of high treason.

Or of misprision of treason, which is the concealement or not disclosing of knowne treason: for which the offendors are to suffer imprisonment during the Kings pleasure, lose their goods and the profit of their lands during their liues, 2. Ri: 3. fol. 9.

Offences hindering the commoditie of the Common-wealth.

NOw succeed the offences which hinder the commoditie of the common-wealth. Sect. 64.

The profit of the common wealth is hindered diuers wayes, as by forestalling, engrossing, regrating, by idleneſſe of apprentices, artificers, and ſeruants, decaying of the breed of beaſtes, deſtroying of fiſh, by conſpiracies of artificers and chapmen, by not deſtroying of vermine, as Foxes, Bawſons, Crowes, Choughes, &c. Or by making or vttering any ſtuffe, victuals, or wares deceitful, corrupt or inſufficient, by not obſeruing due weights and meaſures, or by tranſporting of things needfull in England, as raw hides, tallow, woll, lead, corne, or graine, by erecting of cottages, and breeding of encreeding many more people, and by ſundry other meanes, as plainely appeareth by ſundry ſtatutes and ordinances made for reformation thereof. Of all which particularly to diſcourſe, would occupie more time then I haue now determined to beſtow about the ſame.

Forestalling, is the buying or bargaining for any victuals or wares comming to be ſold towards any faire or market: Or from beyond the ſeas towards any citie, port, hauen, creeke, or rode of this realme, and before the ſame be there.

Or the moouing of any perſon to enhaunce the price of the ſame victuals or wares, or the diſſwading to bring it thither to be ſold, 5. Ed: 6. ca: 14. 5. Eli: cap: 12. 13. Eli: ca: 25.

Regrating is the buying and ſelling of any wares or victuals in the ſame market or faire, or within foure miles thereof, 5. Ed. 6. cap. 14. 5. Eli: ca: 12. 13. Eli: cap: 25.

Engroſſing, is buying of Corne growing, or dead victuall to ſell againe: except barley, or malt, oats for oatmeale, and victuals to retaile, badging by licence, and buying of oyles, ſpices, and victuals, other then fiſh and ſalt, 5. Ed: 6. cap: 14. 5. Eli: ca: 14. 13. Eli: cap: 25.

Offences againſt Subiects.

Sect. 65. IN theſe few haue we touched ſuch offences, as immediately and alwayes are committed againſt the common wealth it ſelfe: now will we intreate of thoſe which alwayes for the moſt part are perpetrated violently againſt the inferior members of the ſame (that is to ſay) eyther priuate men themſelues, or their goods: which are effected partly by force, and partly without force.

Force is an offence by which violence is vſed to things or perſons.

And force is either ſimple or mixt.

Simple force is that which is ſo committed, that it hath none other crime adioyned vnto it. As if one by force onely entreth into another mans poſſeſſion, without doing any other vnlawfull act there.

Mixt force is that violence, which is committed with ſuch a fact, as

of

of itſelfe only is criminall: as if any by force enter into an others poſ-ſeſſion, and kill a man, and rauiſh a woman there &c.

And thoſe offences which are atchieued with force, are done by true force, or by force after a certaine ſort,

Thoſe offences which are finiſhed by true force, are either done by men aſſembled, or without men aſſembled.

And force with men aſſembled, is priuate or publike.

Priuate force is, when any with weapons by men aſſembled, doth inuade the goods or body of another, as treſpas by entring into ground or taking his cattell, or other goods, impriſoning of a mans body, or beating of him with ones fiſt, or reſcues of a treſpas, pound breach, or otherwiſe without weapon, and ſuch like.

Publike force is that violence which is done by any man aſſembled with any kind of weapon whatſoeuer, as by forcible entry, keeping of poſſeſſion of Benefices, Chappels, houſes, or landes, or offices vnlaw-ful aſſemblies, routs, riots, rebellions againſt &c. 1. Mar. ca. 12. 1 Eliz. cap. 17.

A forcible entry is a violent actuall entrie into a houſe or land &c. or taking a diſtreſſe of any perſon weaponed. Whether he offer violence or feare of hurt to any there, or furiouſly driue any out of the poſſeſſion thereof, 5. R. 2, cap. 7. 15 R. 2, cap. 2. 8 H. 6, cap. 7.

A forcible detaining or withholding of a poſſeſſion, is a violent acte of reſiſtance by ſtrong hand of men, weaponed with harneſſe or other action of feare in the ſame place, or elſewhere, by which the lawfull en-try of Iuſtices or others is barred or hindred, 29. Aſſ. 49

An vnlawfull aſſembly is the méeting of three or moe perſons toge-ther, with force to commit ſome vnlawfull acte, and abiding ſtill, not indeuouring the execution thereof, as to aſſault or beate any perſon, or enter into his houſe or land &c.

A rout is an aſſembly of three perſons or moe, going on about for-cibly to commit an vnlawfull acte, but yet doe it not, Brooke titulo Riot, 4. 5

A Riot is the forcible doing of an vnlawfull act by three or moe per-ſons aſſembled together for that purpoſe.

A rebellious aſſembly, is an aſſembly of twelue perſons or moe, in-tending, going about, practiſing, or putting in vre vnlawfully of their owne authoritie to change any Lawes or Statutes of this Realme, or to deſtroy the incloſure of any Parke, or ground incloſed, or the banks of any fiſhponds, pole, or conduit, to the intent the ſame ſhall re-maine void, or to thintent vnlawfully to haue common or way in any of the ſaid grounds, or to deſtroy ẏ déere in any park, or any warren of conies, or doue houſes, or fiſh in any pond, or any houſe, barnes, mills,

or baies, or to burne stacks of corne, or to abate rents, or prices of victuals, 1. Mar. cap. 12. 1. Eliz. cap. 17.

Also by the same statutes an vnlawfull assembly may be of persons aboue the number of two: but that offence is neither so hainous, nor so sharply to be punished.

It followeth how force may bee committed without a multitude. This kind of force comprehendeth euery harme, hurt, damage, losse, hinderance, and danger besides death, happening to any goods, quicke or dead, moueable or vnmoueable, or to men, either culpa or dolo, that is negligently or vnwittingly, or guilefully, or of set purpose, whether it be assaulting, beating, wounding, maiming, or hurting, bruising, or impairing of the body of man or beast by any means: Or the bruising breaking, or impairing of any other thing whatsoeuer without a multitude, also breaking of prisons to escape thence, breaking of houses to steale something thence, or to do some felony there, which being in the night, is tearmed burglary, wherof we haue spoken before, entreating of theft. In this ranke also may be placed the pulling vp or remouing of meres, bounds, or markes, set for the diuiding of one mans land from anothers, and many other such trespasses, wherein is none apparant force or terror, as to hawke, hunt, fish, or fowle, or to cut, eate, treade, or foyle grasse in another mans soyle vnlawfully, 11. Ass. 16 11. H. 8. 4, 16: 21 Ed. 3. 34.

Hitherto of offences done by true force indeed: now of such as are not properly done with force and violence, but by intendment of the law only: of which sort be bribery, extortion, eraction, priuate imprisonment, and certaine other like misdemeanors.

Those offences of briberie, extortion, and eraction, are committed when any for feare of his iudgement, office, or other power or authoritie, or for any other terror eracteth, extorteth, and wringeth money or other things from another man, as Sheriffes, Coroners, or other officers, Auditors, Receiuers, Escheators, custos breuium, Chirographers of fines, Admirals, Marshals, Criers, Maiors, Bailifs, Clerks, Wardens of Fellowships, Iudges, Bishops, Ordinaries, or other Officers whatsoeuer: for reformation of which, see the seuerall statutes thereof, in that behalfe prouided.

To this crew, as it seemeth, may be referred the eraction of vnlawfull vsury: which is taking of any thing of any man for the lone, or giuing day of payment of money, 37 H. 8. cap. 9. 13 Eliz cap. 10.

And all vnlawfull games, which be all games, but shooting, 33 H. 8. cap. 9

And euery other taking of more then is due by colour or pretence of right, as the taking of excessiue toll by Millers, or others, or of excessiue

reſſiue prices for ale, bread, victuals, wares, or other things.

Offences ſpringing from wordes and deeds.

SO much then of ſingle offences, ſpringing from only words, or only deeds. Now follow thoſe which iſſue from both together, as thoſe which ariſe from the crime of falſhood. Sect. 66

The offence of falſhood is a guilefull and fraudulent imitation of the truth againſt the law, and it is committed either by word or by deede.

Falſhood by word, is by lying, as if any man ſhould faine vnto himſelfe a falſe name or ſurname, or ſay, he is another man then hee is, to deceiue ſome other: or by periury which is a lie affirmed by oath.

Falſhood by deed is as if a man write or ſigne a falſe teſtament, or falſly ſet downe therein ſome legacie or truſt to himſelfe, without the mind of the teſtator, or if a man make a falſe deed, or accompt, or other inſtrument, or if he bribe or corrupt a Iudge, or do raze, change, or corrupt any writing, to the defrauding of another man, or do conuey, remoue, or take away, ſuppreſſe, conceale, or falſly ſigne a teſtament, or counterfet another mans hand in writing, or to counterfeit or vtter falſe money, or to adulterate, embaſe, ſhaue, file, clip, waſh, or empaire the currant coine of England, or counterfeit the hands of magiſtrats, and certificats, teſtimonials, or licences in their names, or to vſe falſe weights, meaſures, or ſtandards not agreeable with the ſtandard. To corrupt or ſuborne falſe witneſſes. To make falſe accompts or reckonings.

Hitherto may we referre maintenance, and champertie and ſuites, imbracing or enueigling of Iurors, forging of falſe & fraudulent writings, making of fraudulent feoffements, leaſes, and deeds of gift, or rather falſe graunts, or conueyances of lands or goods, to defraud true creditors, fraudulent conſpiring of any mans death, to anow and vndertake vpon one to defend other mens quarrels, to bee patron to the cauſes of others, by lending of ones name for meed, or fauour of an offendor, or to vere, prouoke, or reuenge.

Alſo falſly to collude in pleading, or to betray, or to loſe his clients cauſe wittingly, or falſly diſcontinue and forſake his clients ſuite.

Other mens offences, and how farre they binde vs.

WE haue entreated of our owne offences: other mens ſucceed, namely when, and how farre we are bound by them. Sect. 67

And wee are bound by other in offences, when wee are tied by the faults of our family, or of our beaſts.

Our family offendeth by laying, or caſting, or hanging of any thing in

in the highway, whereby it is stopped or hindred: which offence is called Nusance.

We are bound by many trespasses of our wiues, but not to sustaine corporall punishment for their offences.

Also if our beastes or cattell offend in eating other mens corne or grasse, or in hurting or killing the beastes or cattels of other, wee are bound by it, or if our dogs, beares, or lyons, bores, &c. hurt the goods or cattel of any other, we are bound therby, for that we ought to governe them.

Offences vnnamed.

Sect. 68 THough of named offences, it remaineth that wee view those which be vnnamed.

For when the varietie of offences grew so manifold, that all could not be distinguished by speciall names, it was appointed that proper or speciall names aforesaid failing, the offence of cosening and deceite should come in place.

The offence of cosening taketh place, if any thing be done by guile, in or out of contracts, which will not agree with any of the said offences, as if any vse collusion or fraud towards the death, or defrauding of an other, or shifting counterfeit ware into the place of others, or to erect a greater summe then is due, or a debt which is paid, or sell, or pledge any thing to two, severally at one time, or that thing which is another mans for his owne, knowing it to be another mans: or to pledge copper, or other base mettall for gold, or siluer, &c.

Deceite is a subtill wily shift or deuice hauing none other name. Hereunto may be drawen all maner of craft, subtilty, guile, fraud, wilinesse, sleightinesse, cunning, couin, collusion, deceit, deuice, practise, and offence vsed to deceiue an other man by any meanes which hath none other proper or particular name but offence.

Of indictments as remedies for the former diseases:

Sect. 69 THus haue we rather sleightly shadowed, then perfectly portraited the vgly shape of such enormous offences, as with their deformity most blemish the body of our beautiful, (otherwise flourishing) commonwealth. Now therfore we are to shew the waies how to prepare remedies for the same, which must bee done by indictments, in which are chiefly to be eyed the matter and forme.

The matter or obiect of indictments is nothing else but the seuerall offences, and facts vnlawful, before described, in which the very fact it selfe and the circumstances thereof are to be weighed.

Touching the offence or fact it selfe, we are here fully to regard the very nature & qualitie of the offence, as, whether it be treason, felony, trespasse,

paſſe, deceit, or ſome other offence, and of what ſeuerall kind it is, and whether it be puniſhable by the common law, or by ſome penall Statute, that the indictment thereupon may be framed accordingly.

The circumſtances of the fact are ſeuen, that is to ſay, cauſe, perſon, time, place, qualitie, quantitie, and euent.

Touching the cauſe of thoffence, we are to weigh whether thoffence be of cauſe iuſt or vniuſt: whether by chance, or of malice, and purpoſe, or vpon a ſudden, or by negligence, or by guile, which maketh ſome homicides lawfull, ſome puniſhable, and that in ſeuerall degrees.

The perſon is in two ſorts to be regarded, that is, as he is agent or patient. For it is not all one for Infants and men of full age, and for men mad, lunatikes, & Idiots to offend. And otherwiſe in many caſes are they to be puniſhed which offend God, the common wealth, magiſtrates, or their maſters and ſuperiors, then they which offend others.

The time alſo in offences maketh difference betweene offences, as in Larceny and burglarie.

The place in like maner maketh the ſelfe ſame fact eyther theft, burglarie, or ſacrilege.

By the conſideration of the quality we diſcerne whether an offence be heinous or not, and whether it ſtand in committing or omitting.

The view of the quantitie of thoffence ſheweth vs whether it be puniſhable by death or otherwiſe, and if by death, what maner of death, and regardeth the cuſtome, or iteration thereof.

The euent loketh to the final cauſe, purpoſe, or iſſue of the fact, whether it be caſuall, or voluntarie.

All which circumſtances are partly ſeene before, in ỹ very handling of the offences: now let vs loke more ſpecially into the forme of the Indictment.

Of the forme of Indictments.

IN the forme of euerie Indictment, beſides the ordinarie wordes of forme, preciſe certainty to euerie intent is to be as warily loked vnto as in declarations in ciuill ſuits and returne of Sheriffes, 2. H. 7. fo. 11. & 12. 3. Ed. 4. 21. otherwiſe is the Indictment inſufficient, for Indictments and appeales be the verie baſe and foundation of euerie criminall controuerſie. Sect. 70.

This certaintie conſiſteth firſt in the name and ſurname of the partie indicted, both principall and acceſſarie.

2 In the certaine name and ſurname of the partie offended.

3 In the certaintie of time, wherein the offence is done, as the certaine day, yeare, yea and many times the very houre is expreſſed.

4 In the place where thoffence is perpetrated.

5 In.

5 In the very matter of the fact, and nature of the offence committed, as whether it be treason, felony, trespasse, deceit, penall statute, &c.

6 In the name & value of the thing, in which the offence is done.

Unto the name of the party indicted must be united the addition of his estate, degree, or mysterie, & the shire & towne, hamlet or place of his then, or late dwelling or commorance: all additions which signifie anie lawfull estate, degree, or mysterie, are good: whether they be of dignitie by creation, as Duke, Marques, Earle, Vicont, Archbishop, Bishop, Knight, Serieant at the law: or without creation, as Baron, Esquire, Gentleman, which are names of dignity without creation. Also Alderman, Doctor, Archdeacon, Deane, Parson, parish Clarke, widow, Inglishwoman, be good additions of estate or degree: but fermour, seruant, butler, &c. are not, for that they are common to Gentlemen, Yeomē, &c. and so incertaine: merchant, grocer, tailer, shomaker, tanner, currier, broker, husbandman, ostler, habberdasher, miller, draper, goldsmith, butcher, chapman, labourer, spinster, and euerie other addition of anie lawfull occupations, be good additions of mysterie. But neither Chancelor, Treasorer, Chamberlain, Sheriffe, Coroner, Escheator, Bayliffe, Archdeacon, Deacon, Prebendarie, Parson, nor such other names of dignitie (by reason only of office) are good, but where such persons be charged for offence, by reason of their offices: nor citizen, for it neither nameth any mysterie, art, nor degree: neither extortioner, bankrupt, rogue, vagabond, vsurer, heretike, schismatike, dicer, bowler, carder nor such like, being against the law. If the place whereof the offendor is or was, be an hamlet, and there be diuers hamlets in one town, he may be named either of the town or hamlet: but if it be only a place known in a towne, and not an hamlet, he must be named of the town, 35.H.6. fo.30 if the towne where the offendor dwelleth beareth one selfe name with the parish, he may be named of either: but if there be two towns of one name, in one parish, he ought to be named of the parish, 5.Ed.4. fo.129. 22.E.4.fo.22.et 22.H.6.fo.41. Alias dictus in Indictments is not necessarie. The addition of the degree or mysterie must be such, as the partie hath at the very time of the indictments: but he may be termed nup of any place whereof he hath bin at any time before, but it is best to name him of the place of which he is or last was thus: Iurat̄ pro dño rege p̄sent, q̄ I.S nup de D. in com̄ Essex husbandman &c. And further, the time of the offence committed must be thus set downe, as in personall actions quinto die Febr̄ anñ reg' dñi nr̄i Iac' Dei gratia Angliæ &c: And in some indictments, as of murder, & burglarie, the verie houre is to be expressed, as hora 6. ante merid̄ (if it were before noone) & post merid̄ (if it were after) eiusd̄ diei: if the offence be committed after noon & before midnight, it must be laid in ỹ same day: if after midnight

and

and before the sonne rising, then in the day following: and if the time be expressed by the yere of our L. God (as it may be) then the yere beginneth with vs euermore vpon the 25. day of March: but in indictments which present that a thing is omitted or not don, there needeth no time of the not doing or omission therof be set forth, as that a ditch was not scowred, by meanes whereof meadowes be overflowen, and such like. If a man be stricken or poisoned in one countie, and die thereof in another county, thindictment may be in the county where the death happened, 1. & 3. Eliz. ca. 14. and if one become accessary in one countie to a murder or other felony done in another, he may well be indicted in the county where he was accessary. He which robbeth in the county of D. and is take with the maner in the county of S. may be indicted of theft where he is so apprehended, but not of robbery, but in the county where thoffence was done. The place is thus to be set downe apud B. in com C. For it is not good to say in com p̄dict' referring to the name of the county written in the margent of thyndictment: and the place of thoffence is sometime more specially set downe thus, apud B. in com C. in quodam loco ibid' voc' the north-close &c. also it is to be regarded that if a county be divided into seuerall diuisions, so that those which be Justices in one diuision, be not Justices in another diuision therof, as the county of Yorke, which is divided into 3. diuisions, called Ridings, as the westriding, eastriding and northriding, it is requisite that it be expressed in thindictment, in which of the diuisions or ridings thoffences hapned, as apud R. in westriding in com Ebor' in quodā loco ibid' voc' the lodge &c. for the commissions, whereby the Justices of peace in such ridings are ordeined haue in them such words as follow, viz. Sciatis quod assignamus vos coniunctim & diuisim, & quemlibet vrm Iustic' nostros ad pacem nostram in partibus de Westriding in com nostro Eborum conseruandam &c. Mandamus enim tenore p̄sentium vic' n'ro Eborum, q̄d ad illos dies & loca, quæ vos vel aliqui huiusmodi duo vel plures vrm, vt p̄d est, scire feceritis, venire coram vobis vel hūdi duobus vel pluribus vestrum, vt dictum est, tales probos & legales homines de partibus prædictis tam infra libertatem quam extra, per quos rei veritas in p̄missis melius sciri poterit & inquiri &c. So that the power of such Justices extendeth no further then to those Ridings onely in which they bin so made Justices, and therefore what is by them done otherwise is coram non Iudice, and void.

in Lond Edit.
Br. Presentm^ts in Courts, 14.

Albeit the name of the person to whom thoffence is committed be in many cases required, yet an indictment quod defendens bona & catalla cuiusdam ignoti felonicè cepit &c. in theft: or, quendam ignotū felonicè depredauit &c. in robbery, is good for the Kings aduantage of the forfeiture thereby accruing, so is it, as it seemeth, quod vi & armis &c.

&c. insultum & affraiam in quendam ignorum fecit &c. Dyer fol. 99. pag. 61. & 285. p. 38. But if the goods of a Church be taken away, the Indictment must be quod bona parochianorum in custodia gardianorum Ecclesiæ de C. existen ceperunt, & asportauerunt &c. If the goods of a man be taken, who maketh his executors, and dieth, the Indictment must bee, bona testatoris &c. but if they be taken after the testators death, it shall bee bona testatoris in custod' executr existen &c. A graue stone is de bonis ecclesiæ: coat armour hanged ouer a tombe, be the goods of the dead mens executors: goods taken from one, are the goods of the trespasser, vntill the owner haue recontinued his propertie: goods bailed, are said bona of the owner in custodia balliui. The names of things in which thoffence is committed ought also to be certainely mentioned in indictments, dead things may be called, bona & catalla, exprelling their names certainly, as appeareth hereafter: but of liuing things we must not say, bona & catalla, but vnum equum, or 2. equos & ouem, bouem &c. And the value of those things in which offences are committed is vsually comprised in Indictments, which seemeth necessary in theft to make a difference from petie larceny, and in trespas, to aggrauat the fault & increase the fine, but no price of things ferę naturę may be exprelled, as of deere, hares &c. if they be not in parks or warrens, which is a liberty, 8. E. 4. fo. 5. nor of charters of land. And where the number of the things taken are to be exprelled in the indictment, as of yong doues in a douehouse, yong hawkes in a wood, there must be said precij. or ad valenciam: but of one liuing thing, or of one dead thing onely, it is precij. and not ad valenciam, but of diuers dead things ad valenciam, and not precij. Of coyne not current, it shall be precij. but of coyne current shall neither be said precij, nor ad valenciã, for the price and value thereof is certaine, but of counterfeite coine, shall be said ad valenciam, and in counterfeiting of coine shall not be said 10. libras in denarijs domini regis, nor in pecunia domini Regis, but ad instar pecunię domini Regis.

The very manor of the fact or deed it selfe, and nature of the offence must also be mentioned in the indictment, as in escape, for prison breaking, must be exprelled for what felony the offendor was apprehended and imprisoned: and for counterfeiting of money must be shewed to what the counterfeit is like, as groats, shillings &c. And in murder and man slaughter, the stroke whereof death ensued, Dyer f. 99. pl. 63. And for slanderous words against the K. the very words must be certainly set downe. And for entry into house, lands, or tenements, must be exprelled, what manner of house, lands, or tenements, as a messuage, a cottage, arable land, meadow, pasture, or wood. And wherein any Indictment, seuerall acts be said to make vp thoffence which may be done at

seuerall

ſeuerall times and places, both the times and places muſt be certainly expreſſed, as in murder and manſlaughter, aſſault and the ſtriking, as apud B. in com E. &c. in quendam I.S. inſultum fecit, & ipſum I.S. cum quodam gladio precij &c. adtunc & ibidē felonicè, & ex malitia ſua præcogitata percuſſit & murdrauit. And in theft, the thing ſtollen muſt certainly be laid downe, 22. Aſſ. pl. 75. & 29. Aſſ. 45. And an Indictment againſt an acceſſarie, muſt ſhew what felony the principall committed, and that knowing it, he receiued the felon felonioully, 7. H. 6.

Touching the ſeuerall natures of ſeuerall offences, it is to be noted, that in Indictments of treaſons, the fact muſt be neceſſarily ſaid to be done, proditoriè: of murder, murdrauit: and of manſlaughter and all other felonies, the deed muſt be ſaid to be done felonicè, and in burglary, Burglariter, or intentione ad feloniam ſiue murdrum faciend &c. in rape felonicè rapuit, in theft, felon cepit & aſport, if it be a dead thing: if liuing, abduxit, or felonicè furatus eſt. In petie Larceny and maime muſt alſo be ſaid, felonicè.

And notwithſtanding the ſtatute of 37. H. 8. ca. 8. it is not amiſſe in euerie Indictment conteyning felony or treſpas, to vſe the words (vi & armis) viz. gladijs, baculis, cultellis, &c. And in a forcible entry vpon the ſtatute 8. H. 6. c. 9. muſt be manuforti &c. or cum multitudine gentium &c. And in an Indictment found vpon ſtatutes, it ſemeth not needfull to recite the ſtatute verbatim, as hath bin heretofore vſed, and namely, if the ſtatute be generall, 5. H. 5. 11. 30. aſſ. 38. But fully and certainly to deſcribe the offences againſt the tenor of the ſame ſtatut. And then conclude with theſe words, Contra formam ſtatuti in hūdi caſu prouiſi & edit: If there be onely one ſtatute of that offence: but if there be diuers concerning the ſame, then the concluſion muſt be Contra formam diuerſorum ſtatutorum in hūdi caſu edit & prouiſor &c.

And it is ſpecially to be noted, that in Indictments grounded vpon penall ſtatuts (other then for tillage) giuing the penalty to the king only, may be exhibited at any time within two yeares after the offence. But if the benefit be to the Prince, and another perſon, it ought to be ſued for ſuch perſon and the Prince within one yeare. And for ỳ Prince alone within three yeares, if ſhorter time be not in that behalfe limited in ſuch penall ſtatutes, 31. Eli. cap. 5.

But the formes of Indictments will beſt appeare in the following examples, which for the Readers eaſe I haue here alphabetically ſet downe as enſueth.

For keeping an Alehouſe or Tipling houſe.

IVratores pro domino regina præſentant, quod A.B. de C. in dicto co- Sect. 71.
nitatu Ebꝰ quinto vicēſimo die menſis Octobris, Anno regni domini
noſtræ

noſtræ Elizabethę, Dei gratia Angliæ, Franciæ, & Hiberniæ reginæ fidei defenſoris, &c. Triceſimo, & continuè multis diebus poſtea, viz. vſque primum diem dicti Octob', anno ſupradicto, apud C. prædict in comitatu prædicto, obſtinatè atque ex auctoritate propria ipſius A.B. ſine vlla Iuſticiariorum pacis dictæ dominæ reginæ in comitatu prædict admiſsione aut allocatione, aſſumpſit ſuper ſe cuſtodire, & cuſtodiuit vnam communem Tabernam (Anglicè vocatam a common Tipling houſe) & ibidem dicto viceſimo die, & dictis diebus tum poſtea, communiter & publicè vendidit ceruiſiam, & potum (Anglice dictum Ale and Beere) diuerſis dictę dominæ reginę ligeis & ſubditis. In dictę domiñ reginñ contemptum, ac contra formam cuiuſdam ſtatuti, in Parliamento dñi Edwardi nup regis Angliæ ſexti tento apud Weſtñ, anno regni dicti dñi Ed. quinto, in huiuſmodi caſu prouiſ. & æditi.

For ſilke in a Cappe.

Sect. 73. IVratores pro domina regina præſentant, quod A.B. de C. in dicto comitatu Tailor, natus infra hoc regnum Angliæ, viz. apud C. predict, ſed filius aut hęres apparens alicuius militis, aut filius hominis altioris gradus non exiſtens, nec potens expendere per annum viginti libras, in terris, tenementis, feodis, officijs, aut alijs annuis reuentionibus, pro termino vitæ ſuæ: nec valens ducentas libras de bonis ſuis proprijs: nec vnquam Maior, Ballius, Aldermanus, aut capitalis officiarius in aliqua ciuitate, burgo, aut villa corporata exiſtens, nec dictæ dñæ reginñ ſeruiens in ordinario (vtens dictæ dñæ reg' liberata) exiſtens: 20. tamen die Octob', anno regni dictæ dñæ nræ Eliz. Dei gratia, Angliæ, Franciæ, & Hybernię Reg', fidei defenſoris &c. triceſimo, apud C. prædict in comit prædict, per totum 20. diem anno ſupradicto, interiore parte cuiuſdam pilei ſui (Anglicè vocat a Cap, quodam ſerico (Anglicè dicto Taffata) (ad valorem duor ſolidor) allicite & palam vſus eſt: contra formam cuiuſdam ſtatuti, in Parliamento Philippi & Marię nup Regis & Reginñ Angliæ, tento apud Weſtñ in comñ Midd, annis regnorum ſuorum primo & ſecundo, in huiuſmodi caſu prouiſi & æditi.

For vſing the Art of a Mercer againſt the Statute of the late Queene Elizabeth. Anno quinto

Sect. 74. IVratores pro domina Regina preſentant, quod A.B. de C. in comitat. E. Mercer, viceſimo die menſis Maij, Anno regni dictæ dominę noſtræ Elizabethæ, Dei gratia Angliæ, Franciç, & Hyberniæ reginæ, fidei defenſoris &c. triceſimo primo, & multis alijs diebus continuè poſt dictum diem per ſpacium duorum menſium extunc proximñ ſequent. vide-

videlicet, vſque tricesimum diem Iulij, anno ſupradicto, apud C. p̄d̄ in comitatu E. pred', quandam artem, ſiue myſterium (Anglice dictum Mercerie) illicite pro lucro ſuo proprio vſitauit & exercuit: tunc ibidem vendendo merces (Anglice vocatas Mercerie wares) diuerſis dictæ dom' reginæ ligeis & ſubditis: vbi reuera idem A.B. nunquam fuit in dicta arte ſiue myſterio educatus tanquam apprenticeus per ſpacium ſeptem annorum, nec idem A.B. eandem artem (ſiue myſterium pred') duodecimo die Ianuarij, anno regni dictæ dom' noſtrę reginæ nunc quinto vſitauerit, aut exercuerit: In magnū dictę dominę reginæ contemptum, ac contra formam cuiuſdam ſtatuti in parliamento dictæ dom' reginæ noſtræ nunc tento apud Weſtmonaſterium, anno regni ſuo quinto, in hoc caſu prouiſi ac æditi, vt ſupra dic'.

An Indictment vpon the Statute of An. 1. Mar. cap. 12. for the aſſembly of twelue perſons aſſembled together, to the intent to cut downe a Conduict head, and ſtaying there three houres after proclamation made that they ſhould depart.

IVratores pro domina regina preſentant, Quod primo die menſis Octobris, anno regni dominæ noſtræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hyberniæ reginæ, fidei defenſoris &c. tricesimo quinto A. B C D E F. And ſo reciting xij. perſons at the leaſt, with their additions of occupations and dwellings, apud quendam locum infra parochia de O. in com' E' p̄dict', (Anglice vocatum le old Court) inter horas decimam & vndecimam ante meridiē eiuſdem diei, vi & armis, tam inuaſiuis, quam defenſiuis, videlicet, gladijs, pugionibus, baculis, arcubus, ſagittis, tunicis ferreis, et tormentis, ſeipſos congregauerunt, et aſſemblauerunt: Ac tunc & ibidem intenderunt, conari ſunt, practicauerunt et in vſu poſuerunt, vi et armis, illegitime, et ex authoritate ſua propria, ſecare, et prorſus euertere, proſternere ac deſtruere quoddam caput vnius aquæ ductus (Anglice vocatum a conduit head) tunc ibid' in fundo cuiuſdam R.S. de O. præd' in comitat' prædicto generoſi exiſtens, et curſum aquæ in ipſo habens, ea intentione, vt idem caput aquæ ductus prędict' ex tunc apertum et vacuum remaneret ac iaceret: Et vlteriuſ, quod ſuper querimonia inde facta coram T. W. vno Iuſticiariorum pacis dictæ dominæ reginæ in comitatu E. prædicto, omnes et ſinguli prædict' A. B. C. D. E. F. &c. tunc et ibidem per eundem Iuſticiarium requiſiti ſunt ac iuſſi (per proclamationem in nomine dictæ dominæ Reginæ tunc & ibidem per eum palam factam) ad habitationes, loca, et domos ſuas (vnde venerant) ſe inde in pacifico modo retrahere, retirare, diſcredere & reuerti: quæ quidem proclamatio tunc ibidem modo & forma ſequentibus, habita & facta eſt, videlicet, Sect. 74

predictus F. W. Iusticiarius tunc ibid' fecit vltra voce vnum Oyes, ac tunc ibid' immediate hæc verba Anglicana sequentia palam, et alta voce pronunciauit, dicens, scilicet, The Quéene our Soueraigne Ladie chargeth and commandeth all persons (being assembled) immediatly to disperse themselues, and peaceably to depart to their habitations, or to their lawfull busines, vpon the paines contained in the act lately made against vnlawfull and rebellious assemblies: And God saue the Quéene. Et vlterius iuratores p̄d̄ dicunt, quod non obstante dicta proclamatiõ modo & forma p̄d̄ per p̄fat Iusticiar tũc ibidẽ facta et habita, ijdem tamen omnes et singuli p̄d̄ A.B.C.D.E.F.&c. in dicto loco vocato le old Court, infra parochiã de O. p̄d̄ in dicto comitatu E. per spacium duar horarum, immediate et continue post dictam proclamatiõ sic vt p̄fertur factam et habitam sequentium, seditiose et felonice insimul remanserunt et continuauerunt, in magnum dict̄æ dom' reginę cõtemptum, ac contra pacem, coronam, et dignitatem suas, necnon contra formam diuersor statutorum in huiusmodi casu p̄uisor & æditor.

The proclamation.

Their staying after the proclamations two houres.

Against a Barettor.

Sect. 75. IVratores pro domina regina p̄sentant, quod A.B. de C. in comitatu E. Iailor, secundo die Octobr. anno regni dict̄æ dom' nostrę Eliz. dei gratia Angl', Franc', et Hyern reginæ, fidei defensoris &c. Tricesimo quarto, apud C. p̄dict' in comitatu E. pred', fuit, et adhuc est cõmunis Barrectator, et pacis dict̄ę dom' reginæ perturbator assiduus & public', necnon communis ac turbulentus calumniator, conuiciator, pugnator, et litium inter vicinos suos seminator, adeo vt diuersas lites, controuersias, necnon iurgia, et pugnas adtunc ibidem, et alibi in dicto com' E. inter diuersos dict' domin' regin' ligeos et subditos, mouit, procurauit, & excitauit: In magnam dict̄æ dom' reginæ pacis perturbatiõ, ac contra formam diuersarum ordinationum ac statutorum huius regni sui Angliæ, in huiusmodi casu antehac prouisorum ac æditorum.

Against a Barettor.

Sect. 76. INquiratur pro dom' regina, si R. E. nuper de G. in comit̄ D. Yeoman, xx. die &c. apud G. p̄dict' in com' p̄dict', fuit, & adhuc est communis Barrectat, & pacis dict' dñæ Reg' p̄turbator, & oppressor vicinor suor, et al' legeor dict' dñæ reg' in com' D. p̄dicto, ac communis malefactor, calumniator, & seminator litium & discordiarum inter vicinos suos p̄d̄, ad magnum dispendium, grauamen, & perturbatiõ vicinor p̄d̄, & aliorum fidelium ligeorum dict̄ę dom' reg' in com' D. p̄dicto, cõtra ordinationes, leges & statut huius regni Anglię, in huiusmodi casu æd̄ & prouisac

tisu ac contra pacem dictæ Dominæ Reginæ coronam &c.

For an affray made at the time that the Assises and Gaole deliverie is holden before the Iustices of the Assise.

INquiratur pro domin' Reg. si C.P. & W.C. &c. vi & armis, videlicet Sect. 77
gladijs, scutis, et pugionibus apud C. p̄d arrainf et illicite congregat, tempore Assisar dict' domin' Reg. adtunc apud C. p̄d tentarum, necnon infra precinct eiusdem villæ, R.W. & R.H. earund Assisar Iustic', ac Iustic' dict' dn̄æ Reg. ad gaolam de I. in eodem Comitatu de prisonarijs in eadem existentibus deliberand assign, circa deliberation eiusd gaolæ tunc apud C. p̄d existentibus, insult & affraiam inuicem fecerunt, ad magn perturbation' Cur dict' dn̄æ reg. ac Iustic' suor p̄d tunc & ibid existenf, ac in terror et perturbation' diuersor subditor eiusd dn̄ę reg. tūc et ibid existenf, et in malum et pernitiosum exemplum omnium ligeor dict' dn̄æ reg. ac contra pacem dict' dn̄ę reg. coron', et dignitat suas &c.

For an affray and beating of one at the time of the Assises and Gaole deliverie, holden before the Iustices of the Assise.

INquiratur si F.F. &c. xj. die &c. vi et armis &c. Iustic' dict' dn̄æ reg. Sect. 78.
ad Assisas in Com̄ p̄d capiend, necnon ad gaolam eiusdem Comitat' apud W. in eodem Comitatu deliberand assign', adtunc iudicialiter sedenf et existenf in quendam W.C. in pace dei et dict' dn̄ę reg. apud W. p̄d existenf, ex malicia sua precogitata insult fecit et ipsum W. cum quodam gladio quem idem F. in manu sua dextra adtunc et ibid habuit et tenuit, percussit super caput suum, dans eid W.C. diuersas plagas, per quas ipsum W. in magno periculo vit suæ posuit, ita q̄ de vita sua desperabatur, in magnum iusticie et legum huius regni Angl' contempt, et pernitiosū exampl' aliof, ac conf pac' dict' dn̄ę reg. coron et dignit suas &c.

Or thus.

INquiratur pro dn̄a reg. si O.P. &c. decimo, apud T. p̄d in Com̄ E. Sect. 79.
p̄d, tempore Assisar, et generalis gaole deliberation adtunc et ibidem tenf, et sedenf adtunc et ibidem Iusticiar dict' dn̄æ reg. ad Assis. capiend necnon ad gaolam dict' domin' reg. castri de T. p̄d in Com̄ p̄d deliberand assignat, vi & armis, et ex malitia sua precogitata, in, et super quend I.C. nuper de S. in Comitatu D. Yeoman, in pace dei, et dict' domine Regin' adtunc & ibidem existenf, insultum & affraiam fecit, & ipsum

verberauit, vulnerauit, & maletractauit, & pref. O. adtunc et ibidem cum quodum gladio valoris 3. solid & quatuor denariorum, quem idem O. in manu sua dextra adtunc & ibidem habuit & tenuit pd Iohannem C. adtunc & ibidem percussit & pupugit, dans eidem I.C. adtunc & ibidem quoddam vulnus siue quandam plagam in latitudine vnius pollicis, & profunditate quatuor pollicium, ita quod idem I.C. de vita sua maxime periclitebatur, in magnam perturbationem tam pd Iustic' dicte domine Regine, adtunc & ibidem in Curia pd sedent' quam totius populi, & ligeorum subdit' dicte domine Reginæ de pd com' S. adtunc & ibidem confluent' & attendenc', ac in magnum contemptum dicte domine Reg. ac in iusticiæ ibidem exequend & administrand retardation' manifest', ac contra pacem dictæ dominæ Reginæ, coron', & dignitat' suas &c.

For Buggerie committed by a Minister being an Italian, borne in the Citie of Rome, with a boy of fifteene yeares old.

Sect. 80. IVratores pro dña Reg. presentant, quod A. B. nuper de C. in dicto com̃ E. clericus (& alienigina in Ciuitate Romana Italiæ natus) decimo die Martij vi & armis, apud C. pd in comitatu pd, an. Reg. dñæ nr̃æ Elizabethæ, dei gratia Angl', Franc', & Hibern' Reg. fidei defensoris &c. Tricesimo, in quendam I.S. de C. pd in dict' com' E. puerum masculum (ætatis non amplius quindecim annor̃, ac tunc ibidem in quodam loco vocato le Arbor, in pace dei & dicte dñe Reg. existentem) insultum fecit, ac cum dicto I.S. puero pd sceleratissime, felonice, ac contra naturæ ordinem tunc ibid rem habuit veneream, dictũ q; puer carnalit cognouit ac sic cum eod puero peccat illud horribile, ac Zodomiticũ (Angl' vocatum Buggerie) ad tunc ibid felonice cõmisit, ac perpetrauit, contra pacẽ dict' dñe Reg. nr̃e, ac contra form' statuti in huiusmodi casu puisi ac editi.

For Burglarie in a dwelling house in the night time, for taking out of money out of a chist, and for the accessories before the offences, and the accessories after.

Sect. 81. INquiratur pro domin' Reg. quod cum I.H. nuper de H. in com̃ pred Yeoman, x. die Maij, an. regn̄ Reg. Eliz. &c. 34. vi & armis &c. dom̃ mansionalem cuiusdam P. armig' apud H. pd in com̃ S. pd circa horã decimam in nocte eiusdem diei, felonice & burglariter fregit & intrauit, & quadraginta libras in pecunijs numeratis, de bonis & catallis pd P. in quadam cista in domo pd adtunc existent' inuent' felonice cepit & asportauit, contra pacem dict' dñe Reg. & fr quidam Christopherus G. nuper de H. pd in com̃ S. predict' Yeoman, ante feloniam & burglar' pd

p̄dict' per ipſum T.H. in forma pred' factā et ꝑpetratam, viz. ſexto die Maij, anno 14. ſuprad', eundē T.H. apud H. p̄d in com' E. p̄d ad feloniam et burglariā p̄d' in forma p̄d' ſic faciend' felonice excitauit, abbettauit, & procurauit, contra pacem dictæ dom' reginæ nunc, coronam & dignitatem ſuam. Et ſi quidam I. R. nuper de C. in com' S. pred' Yeoman, ſciens p̄fat. T.H. feloniam predictam in forma p̄dicta ſic feciſſe et perpetraſſe eundem T.H. dicto decimo die Maij, anno ſupradicto, poſt felon̄ p̄d per ipſum T.H. ſic factam et perpetratam, apud H. p̄d in comitatu S. pred' felonice receptauit, conſortauit, et hoſpitauit, contra pacem dictæ dom̄ reginæ coronam et dignitatem ſuam.

For Burglary in a dwelling houſe in the night time, for the aſſaulting & putting in feare of them in the houſe, and for taking of money out of a cheſt.

INquiratur pro dom' regina, ſi N.H. nuper de G. in com̄ E. p̄d Y.T.E. nuper de M. in com' pred' Y. decimo die &c. inter horas vndec' et duodecim' in nocte eiuſd' diei, vi et armis &c. domum manſionalem cuiuſdā R.B. apud W. in p̄dicto com' Eborum felonice et burglariter fregerunt et intrauerunt, et in ipſum R.B. adtunc et ibidem in eadem domo in pace Dei, et dictæ dom' regin' exiſtent̄, inſultum fecerunt, eundem R. adtunc et ibidem in timore corporali vitæ ſuæ impoſuerunt, ita quod de vita ſua deſperabatur, et quatuor libr̄ in pecunijs numeratis in quaſdam ciſta infra domum p̄dict' adtunc exiſtent̄, de bonis, catallis, & pecunijs cuiuſdam I.B. adtunc et ibidem inuent̄, felonice & burglariter ceperunt et aſportauerunt, contra pacem &c. vt ſupra. Sect. 82.

For Burglary in a dwelling houſe in the night time, the taking away of a ſiluer ſalt, mony, and three ſiluer pinnes.

INquiratur pro domina Regina, ſi W.H. nuper de S. in comitatu D. Dyer, R.C. nuper de M. in comitatu W. Yeoman, T.C. nuper de M. predid' in comitatu W. pred' yeoman, & T.L. alias dictus L. nuper de M. pred' in pred' comitatu W. yeoman, & T.P. nuper de C. in comitatu S. yeoman, vltimo die Octob. an. regni Regin' Elizabethæ, &c. quarto, circa horam vndecimam in nocte eiuſdem diei, vi et armis &c. domum manſionalem cuiuſdam Marg. P. viduæ apud C. in pred' comitatu S. felonice et burglariter fregerunt & intrauerunt, et vnum Salinum argenteum vocat̄ a ſiluer ſalt, ad valentiam quinquaginta ſolid̄, x.li. in pecunijs numeratis, tres aciculas argenteas ad valentiam vj.s. viij.d. & tres annulos argenteos valor̄ vj.s. de bonis, catallis, & pecunijs præfat. Marg. adtunc & ibidem inuent̄ felonice ceperunt et aſportauerunt, contra pacem &c. vt ſupra. Sect. 83.

For Burglary in a dwelling house in the night time, a woman then being in the house, and for taking away of xx.li. out of a cupboard in the house.

Sect. 84. IVratores pro domiñ regina preſentant, quod T. S. de W. in dicto comitatu E. Taylor, quarto die menſis Febr', anno regni dictæ dominæ, noſtr' Eliz. dei gratia, Angl' Franc' et Hybern', regin', fidei defen. &c. viceſimo nono, vi et armis &c. domũ manſionalẽ cuiuſdam N.G. de W. p̃d apud S. in dicto comitatu Butcher, noctanter, viz. (inter horas decimã et vndecim' poſt meridiẽ eiuſdem diei) quadã I. vxore ipſius N.G. tunc in eadem domo in pace Dei et dict' dominę regin' exiſtente, felonice & burglariter fregit et intrauit, et viginti libras legalis monetæ Angliæ de bonis p̃d N.G. in quodam abaco in dict' domo exiſtente inuentas, tunc et ibid' felonice cepit et aſportauit, cont' pacem dict' domin' regin' tunc, coronam, et dignitatem ſuam.

For Burglary in a dwelling house in the night time, for aſſaulting and putting in feare of them in the house, intending to kill or rob them in the house, & the acceſſaries before the offence committed.

Sect. 85. INquiratur pro domina regina, ſi F. M. nup de M. in com' D. Joyner, duodecimo die Aprilis, anno &c. circa horam duodecimam in nocte eiuſd' diei, vi et armis &c. domũ manſionalẽ cuiuſd' T. C. ſeñ apud C. in com' S. p̃d burglariter et felonice fregit et intrauit, et ſuper quoſdã R. S. et I. B. adtunc et ibid' in pace dei, et dictæ dom' reg' exiſtent', inſultũ fecit, et eoſd' R. et I. in corporali timore vitar' ſuar' poſuit, ea intentione ad interficiend', vel ſaltem ad ſpoliand' pred' T. C. de bonis & pecuniis ſuis, ad graue damnũ ipſius T. et contra pacem dictæ dñæ reg' &c. *vt ſupra.* Et ſi G. B. ſuper de C. pred' in com' pred' Weauer, ante feloniam p̃d in forma p̃d ſic fact' et perpetrat', eundem F. M. apud C. p̃d in comitatu D. pred' viz. viceſimo die Ianua. Anno &c. vt ſupra, ad feloniã p̃dic' in forma pred' ſic faciend' felonice excitauerunt, abbettauerunt, & procurauerunt, contra pacem dictæ dom' &c. vt ſupra.

For burning of a dwelling house in the day time, with a pound of gun-powder put in a bundel of ſtraw in the house, the owner of the house then being in the ſame house.

Sect. 86. IVratores pro dña regina preſentant, quod A. B. nuper de C. in com' E. pred' Victualer, octauo die menſis Iulij Anno regn' dictæ dñæ noſtræ Eliz. dei gratia Angliæ, Franciæ, et Hybern', reg' fidei defenſoris &c. Triceſimo, ad domũ manſional' E. F. de C. p̃dict' in com' pred' gener', in C. pred' in dict' com' E. exiſtent', vi et armis, inter horas ſextam et ſeptimã ante merid' eiuſd' diei acceſſit & cum vna libra puluer' tormentar' ad valenc' 12. denar' et face quadã ignita, quã dict' A. B. tunc et ibi-

dem

dem in manibus ſuis tenuit, ignem in quodam faſciculo ſtraminis tunc in dicta domo exiſtentis, ex malitia ſua precogitata felonice accendit, vnde eadem domus tunc ibidem totaliter cremata & combuſta fuit (eodem E. F. tunc in pace dictæ dñæ reg. in dicta domo ſua exiſtente) Et ſi pd̄ A. B. dicto 8. die Iulij, anno ſupradicto, apud C. pd̄, domum manſionalem pd̄ E. F. pd̄, modo & forma pd̄, voluntarie ex dict' malicia ſua precogitata, & felonice incendit & cumbuſſit: contra pacem dict' dom̄ reg. nr̄e, ac coronam & dignitatem ſuam.

For Burglarie and burning of a dwelling houſe in the night time, hauing an intent to rob it, and the putting of diuers perſons in feare, then being in the houſe, and the acceſſories before the offence, and acceſſories after the offence.

INquiſ pro dña reg. ſi W.S. nup̄ de O. in Com̄ E. pd̄ Smith, die Feb. &c. 13. circa horam 12. in noct' eiuſd̄ diei, vi & armis viz. gladijs, ſcutis baculis, arcubus, & ſagittis, apud S. in pd̄ Com̄ E. ad domum manſionalem cuiuſd̄ I.C. ſimul cum alijs veniebat, ea intentione ad ſpoliand' dict' I. de bonis et catallis ſuis in ead' domo tunc exiſt', ac ſi idem W. ſup tectum eiuſd̄ domus vulgariter nuncupat' (the couering of the houſe) adtūc & ibid̄, cū vna ſcala aſcendebat & ſcandebat, ea intentione, p tectum pd̄ ad intrand̄ et ingrediend' in dom̄ illam. Ac ſi dictus W. ſimul cum aliis pd̄ I.G.R.C.M.P. & F.G. in ead̄ domo tunc exiſt' tant̄ timor̄ corporal' tunc & ibid' inferebant ita q̄ de vitis ſuis deſperabat, ac ſi dict' W. ſimul cum alijs pd̄, adtunc & ibid̄ ex malitia ſua p̄cogitata, eand' dom̄ cū igne tunc & ibid̄ felon̄ cōburebat, pd̄ I.G.R.C.M.P. & F.G. in ead' domo exiſt', cont̄ pac' &c. *vt ſupra.* Ac ſi W.R. de B. in Com̄ pd̄ Yeoman, & W.I. de S. in Com̄ E. pd̄ gener̄ ante felon̄ pd̄ p ipſos I.C. & alios fact' & ꝑpetrat̄ pd̄ W.S. pd̄ 27. die Feb. anno ſup̄d̄, apud W. pd̄ in Com̄ pd̄ ad felon̄ pd̄ ſic in forma pd̄ faciend̄ et ꝑpetrand̄ felon̄ excitauer̄, procurauerunt, et abbettauer̄, cont̄ pacem &c. ac ſi pd̄ W.R. & W.S. ſcientes pd̄ W.S. ſimul cum alijs ſupradictis felon̄ pd̄ in forma pd̄ fic feciſſe & perpetraſſe, eundem W.S. poſtea, (ſcz. 27. die Feb. anno pd̄ apud B. pd̄ in Com̄ E. pd̄ felonice receperunt, confortauer̄, hoſpitauerunt & concelauerunt, contra pacem dictæ &c. *vt ſupra.* Sect. 87

For breaking and burning a barne with Corne of diuers ſorts in it, as well in sheafe as threſhed.

INquiratur pro Domina Regina, ſi I.M. de D. in Com̄ M. Yeoman, 13. die &c. apud L. in Com̄ E. vi et armis quoddam horreum cuiuſdam Sect. 88

I.S. apud I. p̄d̄ in p̄d̄ Com' E. situat̄ et existen̄ felon̄ fregit et intrauit, & quibusdā candelis tunc igne accensis, quas I.M. tunc & ibid̄ in manib⁹ suis tenuit ad tūc & ibid' ex malitia sua p̄cogitat̄ et ex instigation̄ diabolica in horreū p̄d̄ cum diuersis granis et garbis viz. trib⁹ quarterijs ordei, & quacuor quarterijs frumenti, et duob⁹ modijs auenarum, & 4. carectat̄ hordei in garbis in eodem horreo adtunc existen̄, ignem accensum adtūc & ibid' voluntarie et felon̄ imposuit, et cum eod̄ igne adtunc et ibidem horreū p̄d' cum omnib⁹ granis et garbis sup̄d̄ in eod' horreo adunc & ibid' existen̄ voluntarie, & felon' combussit, et total' cum igne illo felon̄ et voluntarie consumpsit, cont̄ pac' dict' dn̄e reg. &c. *vt supra.*

For maintenance in an Assise of Nouel disseisin, for to haue the moitie of the land in question, and an hundred pounds in money

Sect. 89

IVr̄ pro dn̄a reg. presentant, q̄ I. C. T. C. ac I. P. de O. in com' E. ꝑ omen, ac alij (de confederatione et couina p̄dictor̄ I. C. T. C. et I. P. existentes) quodd̄ placit̄ Assisæ nouę disseisin̄ qd nup̄ summonitū fuit in Cur̄ dict' dn̄e reg. corā dilectis et fidelibus dictæ dn̄e reg. I. S. et I. K. & alijs nup̄ Iustic' ipsi⁹ dom' reg. ad assisam illam capiendam assignatis, p bre ipsi⁹ dn̄æ Reg. inter W. S. querent̄, & I. H. tenent̄, de quodam libero ten̄to in N. et S. in Com' E. p̄d', (viz. p̄ medietate inde sibi et heredibus suis imppetuū) viz. p̄ C. li. sterling' in pecunia numerata in hac parte habenda, per conuentionem inde inter pred̄ N. S. et p̄fatos I. C. T. C. & I. P. 20. die mensis Augusti, Anno regni dictæ dn̄æ nostræ Elizabethæ, Dei gratia, Angliæ, Franciæ, et Hiber̄n regin̄, fidei defensoris &c. Triceſimo apud O. predict' in dicto comitatu factam p̄ qd W. S. contra præfat̄ I. H. dict' die, anno, et loco, assumpserunt manutenend', et manutenuerunt: In magnum dict' dn̄æ reg. contemptum ac cont̄ formam diuersorum statutorum, huius regni sui Angl' in hm̄di casu prouis. ac æditorum.

For mantenance in an Assise of Freshforce, to haue part of the land in question, and part of the damages to be recouered.

Sect. 90

IVratoꝛ p̄sent̄ quod cum de communi consilio regn' dom' E. nuper reg. Angl' primi p̄genitoꝛ dn̄æ reg. nunc prouisum sit, Quod nullus Minister vel aliquis ali⁹ manuten̄ placita, querelas, vel negocia, quæ sunt in cur̄ dn̄i reg. de terr̄ ten̄tis, aut alijs reb⁹ quibuscunq; p̄ pte rei petit̄ vel aliquo preficuo p cōuention̄ factā inde hēnd', nec aliquis ius suū sub hm̄di cōdition' alteri dimittat. Quid W. P. &c. simul cū R. S. &c. tali die

&

& anno quand' querelam cuiuſdam Aſſ. friſcæ forcie q̄ eſt in Curia dñe Reg. nunc Ciuitatis E. coram E.B. Maior & C.D. vicecom̄ eiuſd' Ciuitatis ſine breui ipſius dñe Reg. 2. conſuet' Ciuitatis p̄d', int' quoſd' I.R. & T.L. de vno meſſuag' cum pertin' in Ciuit' p̄d', pro parte eiuſd' meſſuagij, viz. pro medietate meſſuagij illius, ſibi & hered' ſuis imperpetuum, & alio proficuo, viz. pro medietate damnor' in querela aſſiſe p̄d' recuperand' inde habend', per conuentionem inter pref. I. ac p̄d' W. & R.S. apud E. p̄d' factum aſſumpſit manutenend., & manutenuit, ad graue dom̄ ipſius T.L. & cont' formam prouiſionis p̄d' &c.

For a Riotous aſſault and affray made vpon a Vicar in his Church, and for the impriſoning of him in a paire of Stockes.

INquirat' &c. A.T. &c. H.S. &c & W.K. aggregat' &c. 22. die Iulij &c. vi & armis &c. apud C. in Com̄ S. riotoſe &c. in R.L. vicarium Eccl' paroch' de C. p̄d', in pace Dei & dict' dom' Reg. in Eccl' p̄d' tunc exiſt' inſult' & affraiam fecer', & ipſum R.L. ab Eccl' p̄d' tunc violen̄ & manuforti extraxer' & vſq; cippos duxer', et ipſum impriſonauer' et maletractauer', et alia enormia ei adtunc & ibid' intuler', ad graue damn̄ ipſi' R.L. cont' form' ſtat' in hm̄di caſu edit' & prouiſi, et cont' pac' dict' dom' &c. Sect. 91

For abſence from Church for ſix moneths vpon the Statutes of primo & decimo tertio of the Queene.

IVratores pro domina Regina ſuper Sacramentum ſuum preſentant, quod A.B. nuper de C. in Com̄ p̄d' E. Aſ', qui 10. die Iulij anno regni domine noſtre Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ, Reg. fidei defenſoris &c. Triceſimo, fuit etatis 16. annorum & vltra, non acceſſit (Anglice did not repaire) ad Eccleſiam parochial' de D. pred' nec ad aliquam aliam Eccleſiam, capellam, aut vſualem locum communis precation' & ibidem moratus fuit tempor' communis precation', ad aliquod tempus infra ſex menſes tunc proxime ſequentes, ſed abſtinuit ab eiſdem (Anglice hath forborne the ſame) per ſpacium pred' ſex menſium, contra formam cuiuſdem ſtatuti apud Weſtm̄ in Com̄ Midd' anno reg. dict' dñe Reg. nunc primo, pro vniformitate communis precation' editi & prouiſi, ac contra formam ſtatuti anno reg. dict' dom' reg. nunc 23. in hm̄di caſu editi et prouiſi, ac in contempt' dicte domine reginæ nunc' et contra coronam, & dignitatem ſuas. Sect. 92

For

For drawing a dagger vpon one in the Church-yard, to the intent to strike him.

Sect. 93 INquiſ̄ pro dn̄a reg. ſi O. F. de L. in Com' E. p̄d̄ gen̄ 8. die &c. in cemiterio Eccleſie paroch' de L. p̄d̄ in dicto Com', malitioſe extraxit pugion̄ ſuū in quend' I. S. de L: p̄d̄ Yeoman, ea intentione ad p̄cutiend' p̄d̄ I. S. cū dicto pugione, cont̄ pac' dict' dn̄e reg. nr̄e nunc, ac cont̄ form' ſtat̄ in pliam̄to dn̄i Ed. nup regis Angl' ſexti tento apud Weſt: in Com' Midd̄, anno reg. dicti nup dn̄i reg. 5. in h̄ſmodi caſu prouiſi, ac editi.

For fighting with a weapon in the Church-yard contrarie to the Statute of Anno 5. Ed. 6.

Sect. 94 IVr̄ p̄ſent̄, q̄ cū in ſtat̄ in pliam̄to dn̄i E. nup reg. Angl' 6. apud Weſt. anno regni ſui 5. tent̄, edit, inſt̄ cetera ſtabilit̄ exiſt' &c. Quod ſi aliqua perſona ad aliquod temp', poſt 1. diem Maij, tunc proxim' ſequent̄, malitioſe p̄cuter̄ aliquam p̄ſon̄, cum aliquib' armis in aliqua Eccl' ſiue cemiterio, vel poſt eund̄ 1. diem Maij, extraheret aliqua arma in aliqua Eccl', ſeu cemiterio, intentione ad p̄cutiend' alium cum eiſd' armis, q̄ tūc quælibet p̄ſona ſic offendens & inde conuict' per veredict' 12. hominū vel per ſuam propriā confeſſion̄, vel per 2. legales teſtes, coꝝ Iuſt' Aſſiſar', Iuſt' audiend̄ et terminand' ſiue Iuſt', pacis in Seſſionib' ſuis, virtute illius act' adiudicaret̄ per eoſd' Iuſt' coram quib' talis p̄ſona ſic conuinceret̄ ad habend' 1. aurium ſuar' abſ̄ciſſam, & ſi illa perſona ſiue perſon̄ ſic offend' non haberet ſiue non haberent aliquas aures, ita q̄ illiuſmodi p̄cnā ſubir̄ (vt prefert̄) q̄ tunc ipſe vel ipſi ſignarent̄ in bucca, Angl' cheeke, ferro candenti, Angl' a hot iron, habeñ hanc liter̄ F. p̄ quam ipſe vel ipſi cognoſc i & haberi poſſint pugnar' effectores, & pugnatores, & vltra hoc quælibet talis perſona foret & ſtaret ipſo facto excommunicat̄, prout in eod' ſtat̄ pleni' continet̄. Quid' tam' GB. nup de S. &c. 2. die Iunij &c. vi & armis, viz. &c. cum quod' pugion̄ in quend' T. C. in pace Dei & dict̄ dom' reg. exiſt' apud C. in Com' E. p̄d̄ in cemiterio Eccl' parochialis de C. p̄d' inſultum fecit, et ipſum T. ſuper caput ſuum adtunc & ibid' malitioſe percuſſit, et alia enormia ei intulit ad graue damnum ipſi' T. et cont̄ pac em dict' dom' reg. &c. ac contra formam ſtatuti predict' &c.

For abſence from the Church for certaine Sundaies and Feſtiuall daies vpon the Statute of primo of the Queene.

Sect. 95. IVr̄ pro dn̄a reg. preſentant, q̄ cum in ſtatut̄ in Parliamento dom' Eli. Dei gratia &c. anno reg. ſui 1. tent̄ apud W. in Com' M. inter alia inactitat̄ & ordinat̄ exiſtet, quod poſt feſtum S. Io. Bapt̄ anno reg dict' domi-

6. Mod. 188.

domin' Reg' omnis & ſingula perſona ſiue perſonæ inhabitant in hoc regno Angliæ aut aliquo alio dominiorum dict' domin' reg', diligenter et fideliter, habentes nullam legalem ſeu rationabilem excuſationem ab eſſendi, adnitentur adire ſuam parochialem eccleſiam vel capellam conſuetam, vel ſuper rationabile impedimentum, aliquem viſitatum locū, vbi communes precationes, et diuina ſeruitia, in actu illo mencioñ celebratæ fuerint tempore talis impedimenti, quodlibet die Dominico, et alijs diebus ordinat, & viſitatis obſeruari vt feſtiuis diebus, et tunc et ibidem manere ſecundum ordinem et ſobrie, durante tempore precum cōmun', prędication', aut aliorum diuinorum ſeruitiorum ibidem vtend' & miniſtrand', ſub pœna punitionis per cenſuras eccleſiæ, et etiam ſub pœna, quod quælibet perſona ſic offend', forisfaciat pro qualibet tali offenſa 12. denarios leuand' per gardianos Eccleſiæ parochialis vbi talis offenſa foret fact' ad vſum pauper inhabit eiuſdem parochiæ de bonis, terris, & tenementis, talis offend' per modū diſtriction', prout in ſtatut pred' continet, cumque T.R. de D. in com' p̄d arm' et A. vx' eius, vtroque eor exiſt' etatis 16. ann et ampli9, ac exiſtent parochian' eccl' pochial' de T. p̄d, in pred' com' E. infra quam quidē eccl' cōes precatioñ, & alia diuina ſeruic in ſtatut pred' ſpec' poſt pred' feſt' natiuit S. Io. Bap. anno primo ſuprad', ſcilicet die dominico px' poſt feſt' S. Mich. arch. anno regni reginæ Eli. dei gratia &c. 12. diebus dominicis tunc prox' ſequent et 8. aliis diebus feſtiualibus eaſdem 12. dies dominicas interuenient dicebantur & vtebantur, pred' I. & A. non habentes legalē nec rationabilem excuſationem, ſeu impediment abeſſendi ab eccl' p̄d, in diebus pred' tempore p̄d commun' precum, prędicationum, et diuinorum ſeruitiorum ibidem tunc dictorum habitorum et miniſtratorū, non ſolum non adnitebantur adire Eccleſ. parochial' de D. præd' exiſten' eorum Eccleſiam conſuetam, in predicto die domin' proxim' poſt prædictum feſtum ſancti Michaelis arch. anno regni dict dominæ reginæ nunc 34. ſupradict' et pred' alijs 12. diebus dominicis tunc proxim ſequent, & predict' alijs octo diebus feſtiualibus inter eaſdem 12. dies dominicas interuenient tempor predict' commun' precation' et diuinorum ſeruitiorum ibidem in diebus illis dictorum habitorum & miniſtratorum, ſed etiam odio habent & contemnent Euang' et ſalub' Dei verbum et dictam dominam reginam, & leges ſuas, ſeipſos voluntar abſentauerunt, et vterque eorū voluntarie ſeipſum abſentauit ab eccleſia præd die dñco prox' poſt feſt' S. Mich. arch. anno regni dictæ dñe reg' nunc 34. ſuprad &c. p̄d alijs 12. diebus dñcis tunc prox' ſequent, & præd alijs 8. diebus feſtiual' inter eaſdem 12. dies dominicas interuenient tēpor pred' commun' precum, prędication' & diuin' ſeruicior ibidem in diebus illis dictor, habitor & miniſtrator, contra pacem & in contempt dictæ dñæ reg' nunc & legem ſuam & coronam & dignitatem ſuam, ac

contra

contra formam ſtatuti prædicti, & in pernitioſum exemplum maleſactorum &c.

For taking of Conies in a free warren in the night time.

Sect. 96. INquiſ &c. ſi E.D. &c. vi & armis, viz. baculis, falcaſtris, arc', et ſagitt', & alijs arm̃ defenſiuis, parcum, ſeu liberam warr̃ C.B. apud A. in comitatu p̃dicto D. circa horam decimam in nocte eiuſdem diei fregit & intrauit, et in eodem parco ſiue liber̃ warreñ, leporariis, liciſcis & retib' voc' purſnets, ſine licentia dict' T.B. vēabanť et 40. cunic' valor̃ 13.s.4. d. de bonis et catallis ipſius T.B. adtunc & ibidem inuenť cepeř et aſportaueř ad graue dampnum ipſius T.B. et contra pacem &c.

For conſpiring and combining to indict one for ſtealing of a horſe of one of the conſpirators, and for procuring of diuers falſe ſuites to be brought and purſued in the names of the conſpirators, and of diuers others againſt diuerſe perſons.

Sect. 97. IVratores &c. preſent, quod I.P. nuper de I. in predict' comitatu E. & R.B. nuper de C. in p̃dicto comitatu E. generř vna cum alijs quamplurimis perſonis adhuc ignoť, contra legem domini regis ac formam ſtatutorum in huiuſmodi caſu prouiſorum, conſpiratione & conuina apud T. predic' die &c. habiť, diuerſis temporib' poſtea ſimul vniť, confederati, & iurati falſo fraudulenť & malitioſe veneř ad vindicand', deſtruend', perturband', placitand', adnihiland, & ſimiliť adnulland', fideles & innocente ligeos dicti dom' regis p̃ lucro ad eorum proprium vſum capiendo, ſocietatem inierunt, et adinuicem iurauerunt, ad ſimul ſtandum contra dictum dominum regem, & quoſcunque legeos ſuos in omnibus et ſingulis materiis placitis & querelis, per ipſos & eorum quemlibet motis ſeu mouendis. Et ſi eorum aliquis cum aliquo, placita materiam, ſeu querelā moueret, quod ipſi & eorum quilibet cum eo, ſic materiam, querelam, ſeu placitū mouenť ſtare, et perſeuerare deberent et deberet. Et ſi aliquis eorum aliquam querelam ſeu placitum nomine alterius perſonæ cuiuſcunque, verſus aliam perſonam ſuper ſe aſſumpſerit manutenend' extunc eorum quilibet querelam, ſectam, ſeu placiť p̃d, tanquam querelam, ſectam, ſeu placitum, nomine eorum proſecuť, manuteneret, foueret, et teneret, recto, veritate, iuſtic' et iure, omnio poſtpoſitis et ſublať: Virtute quorum quidem vnitionis, conſpirationis, iuramenť, confederationis & manutentionis, prædictorum I.P. R.B. & al' ſic in vnum globař, et iurať, poſtea, videlicet die &c. Anno &c. conſpiratione inter eos apud C. in comiť p̃dicto, p̃habita, quendam I.H. de eo quod ipſe die &c. anno &c. vnū equū pretij &c. de bonis et catallis p̃dict' I.P.R.B. apud S. inuenť felonice furatus fuit cepit et abduxit falſo et malitioſe indictari p̃curauerunt. Et p̃dict' I.P. et R.B. et alij modo & forma p̃d vniti & confederati diuerſa falſa placita, ſectas, & querelas

innu-

innumerabiles, tam nominibus eorum proprijs, quam nomiñ aliar̃ perſonarum eis falſo & malitioſe congregar̃ & vnit̃ proſecuti fuer̃, & manuteruerunt & indies proſequntur et manutenent, videlicet p̃d I.P. ad hundred̃ domini P. militis apud C. p̃d 13. die anno &c. tenr̃ eodem I. adtunc Balliuo eiuſdem hundred̃ exiſten̄, ad ſtatum & poſſeſſionem R. S. & A. vxoris ſuæ ad nullan̄: Et pro eo q̃ ad quamlibet Curiam hundred̃ ibidem ſucceſſiue tenend̃ p̃d R. vxorem ſuam ibidem producere nequiret, ita q̃ exceſſiui amerciament̃ in ſtatus eor̃ depauperationem fierent & euenirent, conſideration' taxator̃ amerciament̃ Cureę p̃d, ſemper de couina p̃d I.P. extitit, treſdecim querelas de placito tranſgreſſionis, nomine W. Y. & R. B. quatuor querelas tranſgreſſion' nomine W.E. abſque vera materia ſeu iuſta cauſa, ſeperat̃ verſus p̃d R.S. & A. leuauit & intrauit, ac p̃d querentes huiuſmodi querelas leuare procurauit ad graue damn̄ ipſor̃ R. & A. & cont̃ formam ordinationis in huiuſmodi caſu puiſ. &c.

For a conſpiracie of diuers Bakers touching the making of bread.

IVratores pro domina Regina preſentant, q̃ A.B.C.D.E.F. & G.H. de M. in dict' comit̃ L. Piſtores 2. die Octobris anno regni dn̄æ n̄ræ Eliz: Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. Triceſimo nono, apud M. p̃d, in com̃ E. p̃d infimul conuenerunt, conſpirauer̃, ac mutuo inter ſe promiſerunt, q̃ pan̄ denarij de integro frumento (p conſeu eor̃ aliquē, tũ deincẽps faciend̃ ac vẽdend̃) non amplius quã 2. libras & 6. vncias Troicij ponderis habebit & ponderabit (quodcunq; impoſtet foret vnius quarterij frumti p̃tium:) in dictæ dn̄æ Reg. nunc contempt̃, ac in extrem̃ pauper̃ dictæ dn̄æ Reg. ſubditor̃ grauamen, nec non cont̃ form̃ ſtatut̃ in huiuſmodi caſu puiſor̃ & editorum. Sect. 98.

For the taking of vnreaſonable diſtreſſe contrary to the Statute of Merton, Anno 52. H. 3. cap. 4.

IVratores preſentant pro domina Reg. quod cum in ſtatut̃ in parliam̃t̃ tenr̃ apud M. anno H. 3. nuper Reg. Angl' 52. inter cetera ordinat̃ ſit, q̃ diſtrictiones ſint rationabiles & non nimis graues & qui diſtrictiõ fecerint irrationabiles & indebitas, grauit̃ amercient̃ propt̃ exceſſiuã diſtriction' ipſor̃, prout in ſtatut̃ p̃d plenius continetur. Quidam tamen A. B. de &c. ſtatut̃ p̃d & pœnam in eodem content minime ponderans 12. die Iunij, anno regni &c. duas vaccas de bonis & cattall' W. F. &c. apud G. &c. in eodem com̃ N. pro quinq; ſolid̃ in pecun̄ numeratis irrationabil' & exceſſiue diſtrinxit & pro diſtrictione cepit vbi tempore diſtrictionis & captionis p̃d &c. quarumlibet p̃d vaccarum precium capitis erat xx.s. contra formam ſtatuti p̃d &c. Sect. 99.

For

For the taking of a diſtreſſe out of his fee, and in the high way contrarie to the Statute of Merton, Anno 52. H. 3. cap. 15.

Sect. 100. IVratores preſentant pro domina Regina, quod cum in ſtatut' in parliamento tẽro apud M. anno H. 3. nuper regis Angl' 52. nullus de cetero liceat ex quacunque cauſa diſtrictiones facere extra feodum ſuum, nec in via regia, aut in communi ſtrato, niſi domino regi, aut miniſtris ſuis ſpecialem authoritat' ad hoc habentibus prout in ſtatut' p̃d' plenius continetur. Quidam tamen P.B. & C.D. de &c. ſtatut' p̃d' & pœnam in eod' content' minime ponderantes 1. die Iun' anno &c. 2. vacc' de bonis & catall' E.D. &c. apud F. &c. extra feod' ipſor' ſiue ipſor' alicuius, in commun' ſtrato voc' &c. adtunc & ibidem exiſtent' diſtrinxer', & pro diſtriction' ceper', nec tempore diſtrictionis p̃d' A.B. C.D. non fuer' miniſtri, nec aliquis eorum fuit miniſter dict' domin' reg. nec habuerunt, nec aliquis eorum habuit ſpecialem authoritat' ad illud faciend', cont' pac' &c.

Againſt Egyptians vpon the Statut of primo & ſecundo of King Philip and Queene Mary.

Sect. 101. IVratores præſent', quod cum in ſtatuto in parliamento domini P. & dominę M. nuper Regis & Regin' Angl' apud W. x. die No. anni Reg' ſuorum 1. & 2. tent' dict' inter alia ordinatum exiſtit, & c. quod ſi aliqua perſona ſiue perſonæ ſeipſos appellantes Ægiptianos qui trãſportarentur, vel conuelarentur in hoc reg. Angl' ſiue Wallię, continuarẽt & remanerent, infra idem, per ſpacium vnius menſis, quod tunc ipſe vel ipſi ſic offenden', virtute actus p̃d' adiudicat' & eſtimati eſſent felones, & proinde ſuſtinerent pœnas mortis & forisfact' terrar' & bonorum, vt in caſu feloniæ iuxta ordinem communium legum huius reg. Et ſuper examen' eor' ſiue alicuius eor', triarentur in com', ac p̃ inhabitantes illius com vel loci vbi ipſi vel ipſe apprehenderentur, ſiue caperentur, & minime p̃ medietatem linguæ, & amitterent libertatem & priuilegium Sanctuarij & cleri prout in eodem ſtatuto plenius apparet. Quidam tamen M.P. & P.R. de &c. ſeipſos appellantes Ægyptianos, ſtatut' p̃d' minime ponderantes, nec pœnam &c. qui primo die Aprilis anno &c. in hoc regnũ Angl' tranſportat' & conuelati fuerunt, ab eodem primo die Aug. anno &c. ſupradicto vſque decimum diem Sept' extunc proxim' ſequen' apud C. in p̃d' Com' E. continuauerunt & remanſerunt in eodem, otioſas vitas ſuas non relinquentes, nec ſeipſos in ſeruit' alicuius habilis & honeſti ſubditi huius reg. Angliæ collocat' querentes, neque ſeipſos in aliquo operi licito

licito ſiue occupation' honeſta exercentes, in dominæ reginæ nunc contemptum, ac contra formam ſtatuti pred' &c.

Againſt Egiptians vpon the ſtatute of 5. of the Queene.

IVratores pſentant &c. quod cum in ſtatut' in parliament' dñę reginæ nunc apud Weſtmon' in com' Middl. 13. die Ianuar', anno regni ſui quinto tent', edit' inter alia &c. qd omnis & ſingulæ perſona et perſonæ quæ ab, & poſt prim̃ diem Maij, tunc proxim' ſequent' viſæ vel inuentæ forent infra hoc Reg' Angl' ſiue Wallię, in aliquo commertio vel conſortio vagabundorum vulgo vocat', ſiue ſeipſos appellan̄ Egiptianos vel ſeipſos ſimulances, tranſmutantes ſiue fucantes Anglice diſguiſing per eorum veſtitum, locutionem, aut aliam geſturam conſimiles huiuſmodi vagabundis communiter appellat' vel ſeipſos appellantibus Egyptianos et ſic facerent, continuarent, et remanerent in eisdem, aut ſemel, vel ſæpe, per ſpacium vnius menſis, q tunc eadē perſona ſiue perſonæ vi virtute hui' actus eſtimaę forent & adiudicarentur felo et felones, et proinde ſufferent pœnas mortis, ac amiſſion̄ terrarum & bonorum, vt in caſibus feloniæ, ſecundum ordinem cōmunium legum huius regni. Et ſuper eorum ſiue alicuius eorum examinat' in hac parte triarentur in comit' ac per inhabitantes comitatus vel loci, vbi ille vel illi apprehenderent ſiue operentur, et non per medietat' linguæ, et amitterent priuilegium, et beneficium ſanctuarij, et cleri, prout in eodem ſtatuto plene liquet. Quidam tamen A.B.C.D. &c. ſtatutum pred' minime ponderantes nec pœnam in eodem content' verentes, poſt pred' primum diem Maij, ſcz. tertio die Aug. anno regni dom' Regin' nunc 35. apud E. in com' pred', viſi et inuenti fuerunt in commertio et conſortio vagabundorum vulgo vocat' et ſeipſos vocantium Egyptianos, ac ſeipſos ſimulantium, tranſmutant', et fucant', per eorum veſtitum, locutionem, et geſturam, conſimiles hūdi vagabundis qui vulgo vocantur Egyptiani, et ſic fecerunt, continuauerunt, et remanſerunt ibid', et alibi in eod' com', a pred' tertio die Auguſti anno 35. ſupradicto vſque viceſimum diem Iulij tunc proxim' ſequent' in dict' dom' reg' nunc contemptum, ac cōtra formam ſtatuti pred' &c. Sect. 102

For pulling out of eyes.

IVratores pro domina regina pſentant, quod A.B. de C. in dicto comitatu E. Tinker, nono die Septembris, Anno regni dicte domine noſtre Elizabethe, Dei gratia Angliæ, Francie, et Hyberniæ, Reginæ, fidei defenſoris &c. Triceſimo nono, in quodam loco apud C. prædictam, in comitatu E. pred' (vocat le Deane) vi et armis in quendam D. F. de C. predicta in com' E. predicto Yeoman, in pace dicte domine Regine Sect. 103.

Reginę tunc ibidem existentem, insultum fecit, ad tunc et ibidem ex malitia sua præcogitata, digitis & vnguibus digitorum ipsius A. B. oculos ipsius D. E. felonice effodit ac eruit contra pacem dicti domini regis nostri, coronam et dignitatem suam, ac contra formam cuiusdam statuti in parliamento domini Henrici olim regis Angliæ quarti, tento apud Westmonasterium in comitatu Midd', anno regni sui quinto in huiusmodi casu prouisi & editi.

For cutting out of Tongues.

Sect. 104

IVratores dicunt quod cum per statutum in parliamento domini regis H. nuper regis Angliæ, quarti, anno regni sui quinto, quod W. tento ædict, ordin sit, quod malefactores, qui linguas amputarent, vel oculos euellerent legiorum domini regis, hoc debit comperto & probato quod tale factum ex malitia præcogitata fuit perpetratum, pœnam feloniæ incurrerent, prout in eodem statuto plenius continetur: quidam tamen I. L. de &c. pœnam in dicto statut contentam minime, verens, die &c. anno &c. vi et armis, scilicet, &c. felonice ve felo dicti domini regis, insidiand, et insultu præmeditat contra pacem domini regis coronam et dignitatem suam, in illa sua præcogitata malitia venit, apud H. in com H. et in quendam N. M. adtunc & ibidem in pace Dei, et domini regis existent, insultum fecit, et ipsum verberauit, vulnerauit, ac quodam cultello, quem præd' I. L. adtunc tenuit in manu sua dextra precij ijs. linguam ipsius M. adtunc et ibidem felonice eruit & amputauit, cōtra pacem domini regis &c. contra formam et ꝓuis. statut præd' &c.

An Indictment against a Gaoler for suffering of one committed to him vpon suspition of felony for stealing of a horse to escape.

Sect. 105

IVratores ꝓ domina regina prȩsentant, quod vbi quidam A. B. nuper de C. in dicto comitatu K. ꝑ homaker, sexto die Maij, anno regni dominæ nostræ Eliza. Dei gratia, Angliæ, Franciæ, et Hyberniæ reginæ, fidei defensoris &c. tricesimo quarto, apud C. predict' in comitatu K. ꝑdict' pro suspitione cuiusdam felonię (videlicet vnius Equi, coloris albi, precij xl. solid felonice per eundem A. B. vt dicebatur capti & abducti) arrestatus est & captus et coram T. F. vno Iusticiariorum dicti domini regis ad pacem in dicto comitatu conseruandam assignatorum ductus, et super inde postea, viz. dictis die, anno, et loco, cuidam B. D. in comitatu K. prædicto Yeoman, custodi gaolæ dictæ dominæ reginæ apud M. in dicto comitatu K. existenti (sub custod' I. F. armigeri, adtunc vicecomitis comitatus K. predicti, et custodis gaolæ prædict') per quoddam preceptum de Mittimus dicti T. F. Iusticiarij, idem A. B. traditus est & commissus, ad saluo & secure custodiendum in gaola predicta, donec idem A. B. inde foret legitimo modo deliberatus; prefat tamen I. F. (tunc vicecomes postea, videlicet

sep-

ſeptimo die dicti menſis Maij, anno ſuprad', apud M. prædict' in com K. prædict', preſatum A.B. (adtunc et ibidem in dictis gaola & cuſtodia exiſtentem) à prædict' cuſtodia et gaola, adtunc & ibidem euadere & ad largũ ire voluntarie, & felonicè permiſit, contra pacem dictæ dominæ reginæ, coronam, & dignitatem ſuam &c.

Another Indictment againſt a Gaoler, for ſuffering of a woman committed to him vpon ſuſpition of felonie and murder to eſcape.

INquiratur pro domina regina, q̃ cum quedam M.N. nuper de B. in p̃d comitat' E. ſpinſter, 10. die April' anno &c. pro ſuſpitione felonie & murdr̃ p̃ ipſam M. apud B. p̃d in com E. p̃d ſuper quendam W.P. fieri & perpetrari ſuppoſit, capt & arreſtat' fuit apud B. p̃d. in com E. p̃d, & eiſd die & anno prædict M. cuidam Richardo B. de N. in com E. prædict' Yeoman, cuſtod' gaolæ dictæ dñę reginæ comitatus p̃d ſub Georgio P. armig' adtunc vicecom comitat' pred et cuſtod' gaolæ p̃d, per quoddam breue de Mittimus W.M. milit, & I.M. armig' duor' Iuſticiar' dictæ dñæ reginæ, ad pacem in eodem comitatu conſeruand aſsign, ſaluo & ſecur' cuſtodiend tradita fuit, quouſque eadem M. à cuſtodia illa ſecundum legẽ & conſuetud regni Angl', pro ſuſpitione murdr̃ p̃d acquietat' ſine deliberat' foret: Si pred R.B. de N. p̃d in p̃dicto com E. Yeoman, poſtea ſc. viceſimo 6. die Nouemb. anno ſupred' apud M. p̃d in com E. prædict', p̃d M. adtunc & ibidem in cuſtodia ipſius R. in gaol' dictæ dominę reginæ exiſtent, à gaola prędict, adtunc & ibid voluntar' & felonicè euadere & ad largum ire permiſit, cont pacem dictæ dom̃ reginæ nunc &c. Sect. 106.

An Indictment againſt diuers, for ſuffering of one which had confeſſed a felony before a Iuſtice of Peace, and deliuered to them by the ſame Iuſtice of Peace to be by them conueyed to the gaole, negligently to eſcape.

IVr p̃ domina regina p̃ſentant, q̃ cum I.B. nuper de C. in p̃d com' E. Miller, 8. die Decemb', anno regni reginæ Eli. &c. primo, clauſum cuiuſdam I.G. apud C. prædict' in comit E. p̃d fregit & intrauit, ac vnam iuuencam coloris Bay white precij xx.s. de bonis & catallis dicti I.G. adtunc et ibidem inuent felonicè cepit & effugauit, contra pacem dictæ dñę reg'. Et pro felon p̃d p̃ præfat. I.B. ſic fact & perpetrat, arreſtat' fuit, & cor̃ G.R. armig' vno Iuſtic' dictæ dominæ reginæ ad pacem in comit p̃dict' E. conſeruand aſsign, necnon &c. p̃ prædict I.G. ductus fuit, & coram dicto G.R. dictus I.B. felon p̃d confeſſus fuit, & ibid G.R. per breue de Mittimus, præfat I.B. pro felon p̃d ad gaolam dictę dñę reginę de I. in comitatu p̃d, quibuſdam I.C. de C. p̃d Yeoman, R.B. de ead Clothier, & Ric. M. de eadem Weauer deliberauit, ſaluo & ſecur' ducend vſque Sect. 107.

gaolam p̄d de I. p̄d, ibidem moratur quousque idem I.B. abinde secundum legem & consuetud regni Angliæ deliberatus foret: Et si prędict' I.C. R.B. et R.M. dicto 8. die Decem. anno supradicto præfat I.B. apud C. p̄d in p̄d com̄ E. in eorum custod vigute deliberac' p̄d sic existen, ibidem negligent à custod sua ad largum ire et evadere permisit, contra pacem dictæ dominæ reginę, coronam et dignitatem suas &c.

An Indictment against a Coroner vpon the statute of Anno 1. H. 8. *for extortion in taking of a fee for his view of the bodie of one slaine per infortunium.*

Sect. 108 IVratores pro domina regina p̄sentant, q̄ cum p statut in parliamento dñi H. nup regis Angliæ 8. anno regni sui primo, ordinat est, & stabilit existit, q̄ sup requisition Coronator tact ad veniend & inquirend super visum corporis alicuius personæ p infortunium occisæ, necis, seu aliter mortuę, Coron̄ p̄d diligenter faceret officium sup visum corporis cuiuscunq; talis p̄sonę, vel personar, absq; aliqua de, inde capiend, sub pœna q̄ quilibet Coronator, qui officio suo vt p̄d est fungi recusauerit, vel rem aliquam ceperet pro functione officij præd', sup visum corporis alicuius p̄sonæ mortuæ p infortunium, pro quolibet tempore xl. s. prout in statut p̄d plenius continetur. Quidam tamen W. B. de H. in com̄ p̄d gener 12. die Dec' &c. adtunc exist' vnus Coronator dict dñæ reg' in com̄ E. prędict', apud M. in com̄ E. p̄d, colore officij sui p̄d extorsit & iniuriosè cepit, p feodo suo 20. solid de quodam Roberto S. de B. in comit p̄d yeoman, p executione officij sui p̄d' super visum corporis cuiusdam Iohan C. nuper de B. in com̄ E. labozer, qui apud B. prędict' in com̄ E. præd' 4. die Octob. anno &c. p infortun occis. fuit, in contempt dictæ dñæ regin', ad grave damnum ipsius R. S & contra formam statuti prędict', & diuersorum aliorum statutorum inde edit & prouis.

The like against a Coroner vpon the statute of Anno 1. H. 8.

Sect. 109 INquiratur pro domin regina, si A. C. de B. in com̄ E. gentl. tertio die Iunij, Anno &c. vnius coronator dictæ dñæ reginæ in dicto comitatu E. adtunc existens, aduc B. p̄d, in comitatu E. p̄d colore officij sui præd', extorsiuè cepit pro feodo suo 20. solid', de quodam I. S. in dicto comit gener, in, & pro functione & executione officij sui predicti, sup visum corporis R. N. nuper de B. præd', in com̄ E. prędict' (qui quidem R. N. q. die dicti mensis Iunij, anno supradict apud B. p̄d in com̄ E. præd per casu, ab equo suo, p infortunium fuit occis.) in magnum dict dom' reginæ contempt, ac contra formam statut in parliamento domini Henrici nup Reg' Angliæ 8. tento anno regni sui primo, in hūdi casu p̄uis & edit.

For Extortion by an Eſcheators ſeruant, in breaking and entring into a dwelling houſe, and for ſeiſing and taking out of the ſame certaine leather by colour of his office.

IVratores ꝓ domina Regin̄ ꝓſentant, ꝙ Rob. Benner de P. in Com̄ E. ꝓd̄ Y. ſeruiens et miniſter cuiuſd̄ B.T. Eſchaet dict̄ dn̄ę reg. com̄ pred̄ 15. die Iulij &c. apud W. in Com̄ pred̄ domū manſionalē cuiuſd̄ Ioh. M. fregit et intr̄, et 6. tergora corij voc̄ 12. hides of greene Leather, ad valenc̄ 8. li. et 6. duodenas pell' vitulor, voc̄ 6. Dozen of calues ſkins, ad valenc̄ 4. li. 10 s. ꝙ quidē terg. et pell' adtunc et ibid' inuent̄ color̄ officij ſui extorſiue et iniuſte cepit, ceſſiuit, et aſportauit, ad graue dam̄ ipſius I. contr̄ leges et ordinationes dict' dn̄ę Reg. regni ſui Angl', & contra formā diuerſorum ſtatutorū in huiuſmodi caſu edit̄ & ꝓuiſ. Sect. 110.

An Indictment againſt the Regiſter of an Archbiſhop for his extortions taking of more fees then he ought, for the probate of a Teſtament.

IVratores ꝓ domina Regin̄ preſentant, ꝙ A.B. de C. in dict̄ Com̄ E. generoſus, primo die menſis Aug' &c. adtunc ſcriba (ſiue regiſtrarius) reuerendi in Chriſto patris D. tunc permiſſione diuina E. Archiepiſcopi exiſtens, apud M. in Comit̄ E. pred̄ colore officij ſui pred̄, extorſiue ac iniurioſe cepit de quodam I.S. de M. pred̄ in dicto Comit̄ E. Tanner, duos ſolidos legalis monetæ Angl', ꝓ feodo ipſius A.B. pro ſcriptione ꝓbationis vnius teſtamenti cuiuſd̄ R.N. (qui quidem R.N. apud M. pd̄ infra diœceſim dict̄ D. Archiepiſcopi vicēſimo quarto die Iunij, Anno ſupradict' mortuus eſt) vbi reuera idem Teſtamentū tunc ibid' allatū eſt ad dictum ſcribam (ſiue Regiſtrariū) ꝓ dict' I.S. in pergameno ſcriptum: & vbi omnia bona, Iura, et credita dicti R.N. dicto tēpore dictæ mortis ſuę nō exedebant ſummā quinq; libr̄: et vbi etiā tota dicta ſcript̄ ꝓbationē teſtimenti pd̄ per pf. ſcribā (ſiue Regiſtr') ſic vt ꝓfert̄ fuit nō cōtinebat in ſe 40. lin̄ quar̄ quęq; linea erat dec' pollic' in lōgitudin̄: In magn̄ dict̄ dn̄e reg. cōtēpt̄, ac cont̄ form' cuiuſd' ſtatut̄ in Parliament̄ dn̄i Henr' nup reg. Angl' 8. tento ann̄ reg. 21. in hūdi caſu ꝓuiſi ac æditi. Sect. 111

An Indictment againſt an Eſcheator vpon the ſtatute of 33. H. 8. for ſitting and inquiring by colour of his office, without Writ of lands holden of the Queene aboue the yeerely value of fiue pounds.

IVratores &c. quod cum in ſtatut̄ in Parliament Domini H. nuper reg. Angliæ &c. ſtatuta apud Weſtmonaſt. Anno regni ſui 33. &c. quod nullus Sect. 112.

eſcheator fecerat tantum virtute officij ſui pro inquiſitione de tenura, titulo, vel valore aliquarũ terrarũ, tenementor', ſiue hereditament', vbi eadẽ terr', tenta, ſeu hereditament', ſint valoris 5. lib' p annum, vel ſupra, & tenẽ de domino Rege ſine breue domini Regis ſibi inde derigend' ſub pœna amittendi et forisfaciendi p quolibet tempore quo ſederet et faceret inquiſitiõ contr' tenorẽ huius ſtatuti, quinq; libras, in qua ſecta &c. Quidã tamen R. S. ſtatutũ pred' &c. exiſtẽs eſchaetor dñe reg. in Com' E. pred' tali die, & anno, apud D. in pred' coñ E. ſedebat, tantum colore officij ſui ad inquirend' poſt mortem cuiuſd' A. E. de tenura, titulo, et valore duorũ meſ. 40. acr' paſc', 30. acr' prati, 50. acr' paſturæ, & 20. acr' boſci, cum pertinen' in O. in Com' E. pred' annui valoris decẽ librar' et vltra, et tenẽ de domina Regina, abſque aliquo breui ipſius dominæ ſibi inde directo, in dictæ dominæ Reginæ contemptum, et contra formã et prouiſionem ſtatuti pred' &c.

An Inquiſition taken before a Coroner vpon the view of the body of one which hadhanged himſelfe in a leather girdle vpon the bough of a tree.

Sect. 113. INquiſicio indentat' capt' apud N. in comitatu pred' 13. die April' anñ &c. 35. coram Iohanñ N. gen, vno Coronat' dict' dñi Reg. comitatus pd' ſuper viſum corporis cuiuſd' H. W. de D. in Com' E. pd' ſho. ibid' mortui iacent' p ſactament' &c. qui dicunt ſup ſacrament' ſuũ, q; pred' H. 4. die Apr. ann. reg. dict' dñe Reg. 35. ſupradicto, circa hor' 4. poſt meridiem eiuſd' diei, deum p oculis ſuis nõ habens, ſed inſtigation' diabolic' ſederet in quodam prato cuiuſd' W. S. gen apud T. in pd' Com' G. voc' E Meadow, adtunc & ibid' ſol' exiſtens, cũ vno ſingulo corij p'cij 1. denar' q; ipſe adtunc et ibid' manib' ſuis tenuit et vnũ finẽ inde circa collũ ſuum adtunc et ibid' poſuit, et circa ramum cuiuſd' arboris ſalicis alter finẽ inde ligauit et ſeipſum adtunc et ibid' voluntar' et felonice ſuſpend', ſuffocabat, et ſtrangulabat. Et ſic Iur' pd' dicunt ſup ſacrament' ſuũ, q; pd' H. W. modo et form' pd' adtunc & ibid' voluntar' et felonice, vt felo de ſe, ſeipſum murdranit contra pac' dict' dñe Reg. ac q; idẽ B. nulla habuit bona ſeu catalla, terras neq; tenta. In cuius rei teſtimoñ tam pf. Coronat' quam Iur' pd' pſent' figill' ſua apposuer', dat' die, ann. & loco ſuprad'.

Of forcible entry vpon the Statute of Ann. 5. R. 2. for pulling vp by the roots 100 perches of quickeſet.

Sect. 114. IN primis p domina Regina &c. quod cum in Statuto in Parliamento Domini Reg. nuper Regis Angliæ ſecundi poſt conqueſtum apud Weſtm in Comit' Middl' Ann' regñ ſui 5. tent', edit', inter cetera ordin' ſit quod nullus faceret ingreſſum in aliquam terram, ſiue tenemẽtũ, niſi

niſi in caſu vbi ingreſſus datur per legem, & in illo caſu, non manuforti, nec cum multitudine gentium, ſed licito & quieto modo tantum. Et ſi quis contrarium fecerit, & inde debite conuict' fuerit, per impriſonamt corpoꝛ ſui puniatur, & finem ad voluntat domini regis fac', prout in eod ſtatuto inter alia plenius continetur. Quidam tamen T.H. de I. in comit E. præd' yeoman, &c. et alij malefactores ignoꝛ &c. ſtatutum præd' minimè ponderant ſecundo die M. &c. vi et armis viz. baculis, gladijs, falcaſtris, & bifurcis, in vnum clauſum I.C. Militis iacent apud Arrow. in comitatu E. præd', in quodam loco ibid' voc' A. ſuper poſſeſſionem eiuſd' I.C. militis, vbi ingreſſus eis aut eoꝛum alicui non datur per legem, illicitè ingreſſum fecerunt, et centum pantcas ſapium vinat ipſius I. C. militis, adtunc et ibidem creſcent gradicauer, cauſauerunt, et ſpoliauerunt, in dict' dominę reginæ nunc contemptum, & ad graue damnum ipſius I.C. militis, & contra formam ſtatuti præd' &c.

For forcible entry vpon the Statute of Ann. 5. R. 2 for entring into a meſſuage, and expulſing of the owner thereof.

INquiratur pro domina regina, quod cum in ſtatuto in parliamento dom Rich' nuper regis Angliæ poſt conqueſtum 2. apud Weſtmon anno regni ſui 5. tent, ordinat & ſtabilit exiſtit, q̃ nulla perſona extunc faceret aliquem ingr' in aliquas terras vel tenementa, niſi in caſ. vbi ingreſſus ei datur per legem, et in hmõi caſu, non manuforti, nec cum multitudin gentium, ſed quieto et pacifico modo tantum. Et ſi aliqua perſona extunc de cætero in contrarium faceret, & inde debito modo conuincꝛetur, puniꝛetur per impriſonament corporis ſui, et vlterius finem et redemptionem eidem domino regi, ad voluntatem et placitum ipſius domini regis faceꝛet, prout in eodem ſtatuto inter alia plenius continetur. Sed quidam W. nuper de K. in com E. p̃d Huſbandman, I. Wſch de E. in com E. pred Huſbandman, et I.W. nuper de E. p̃d in comit E. præd' Laboꝛer, ſtatut p̃d minimè pondeꝛ, nec poenam in eodem ſtatuto contentam aliqualiter verent, ſed illud potius contemnentes, 24. die Ianuar &c. apud S. in comitatu E. p̃d, in vnum meſſuagium ſine tenement exiſtens in et tenement cuiuſdam I.H. illicitè et manuforti ingreſſ. fecerunt, vbi nec ipſis nec eoꝛ alicui huiuſmodi ingreſſ' datur per legem, ac ipſum I.H. inde iniuſtè expuleꝛ, ipſumque I. ſic inde expulſum, a p̃d 24. die Ianuar anno p̃d, vſq; ad 26. diem eiuſdem menſis tunc proxꝛ ſequent, illicitè & manuforti extraxerunt, in contemptũ dict' dominæ reginę nunc, & ad graue damnum ipſius I. & contra formam ſtatuti p̃d, ac contra pac' dict' dominæ &c. Sect. 115

An Indictment vpon the Statute of Anno 8. H. 6. for entring with force into a barne in the possession of the farmer thereof, and for keeping of the same with force.

Sect. 116. IVratores pro domina regina, &c. quod cum in statuto in Parliamento Domini H. nuper Regis Angliæ sexti, apud Westm' in comit Midd', anno regni sui 8. edit, inter cetera continet, qd si aliqua persona siue aliquæ person, de aliquibus terris seu tenementis manuforti expulf. seu disseisit sit, vel pacifice expellatur, & postea manuforti exit teneat, vel aliquod feoffament vel discontinuanc inde post talem ingressum ad iur possessoris defraudand & tollend aliquo modo fiat, habeat in hac parte pars grauat, versus talem disseisitor Assisam nouæ disseisin', vel breue de transgress. Et si pars grauat', per assisam vel p actionem transgressionis recuperet & per veredictum vel aliquo alio modo perdebit legis formam inueniat, qd' pars defendens in rem & tenement illa vi ingressa fuit, vel ea per vim post ingress suum tenuit i recuperet quæ damna sua ad triplum versus talem defend, & vlterius idem defend finem & redemptionem dicto domino reg' faceret, prout in statuto pd plenius continetur. Quidam tamen W.W. nuper de W. in pd com E. Husbandman, & C.D. de W. pd, in pd com E. Labozer, statut pd minime ponderant, nec pœnam in eodem statuto content aliqualiter verentes, 19. die Febr anno &c. in vnum horreum apud W. pd adtunc existen libet tenement R.W. gener, vi & armis, viz. gladijs, &c. manuforti & illicit sup possessionem cuiusdam A.M. tunc firmarij pd W. hort pd intrauerunt & ingressum fecerunt, & ipsum A. vi & arm pred' ac manuforti & illicite tunc inde expulerunt & eiecerunt, & pf. R.W. inde iniuste disseisiuerunt, & pf. R. W. sic inde disseisitum a pd 19. die Febr, anno 15. supradicto, vsq; diem captionis huius Inquisitionis, de pd horreo vi & armis pd, & manuforti extratenuer, & adhuc extratenent, in contempt dict' dnæ reg' nunc, et ad graue damnum ipsius R. & cont pac' dict dnæ reg', ac cont form statut pd, vbi null' est, nec ipse, nec aliquis ali' cui' status ipse, aut aliquis est habuit aut habuer, infra tres ann px' ant ingress suos pd, aliquid in dict hort &c. aut in aliqua inde parcell' habuit &c

An Inquisition vpon the Statute of Anno 8. H. 6. wherein is found that one was with force and armes expulsed out of the possession of a manner and landes.

Sect. 117. INquisitio capt apud W. in com S. primo die I. anno regni dominæ Elizab. Dei gratia &c. 35. coram R.W. milit F.G. arm R.F. Iustic' dictæ dnæ reginæ ad pacem in com præd conseruand, necnon ad diuersa felon, transgress. & alia malefacta in eodem comitatu perpetrat audiend & terminand assign per sacramentum 12. Iur exist' prsent, qui dicunt

super

ſuper eorum ſacramenſ qd cum in ſtatuto in Parliamento domini H. 6. nuper Regis Angl' apud W. Anno reg. ſui octauo tenſ, edit, inter cetera contineatur qd ſi aliqua perſona de aliquibus terris vel tenementis manuforti expulſa ſit vel diſſeiſita, vel pacifice expellatur, & poſtea manuforti extrateneatur, vel aliquid ſcoffamentum vel diſconſ inde, poſt talem ingreſſ. ad ius poſſeſſoris defaudend' ſeu tollend' aliquo modo fiat, habeat pars in hac parte grauata, verſus talem diſſeiſitorem, Aſſ. nouæ diſſeiſin', vel breue de trangſgr. Et ſi pars grauata per Aſſ. vel per actionē tranſg' recuperet, et per veredictum, vel alio modo, per debitam legis formam inueniatur, quod pars def. in terras & tenemenſ ill' vi ingreſſum fec' vel ea poſt ingreſſum ſuum, per vim tenuerit, recuperet querens damna ſua ad triplum verſus defend' & vlterius finem & redemptionem domino regi faciat, prout ſtatuto predē plenius continetur. Quidam tamen I. S. nuper de A. in com̄ S. præd' yeoman, et alij ad numerum 6. perſon̄ Iuſ ignoſ ſtatutum p̄d minime verent 9. die Ang. anñ reg. dom̄i noſtr' Eliz. nunc Regin' Angl' 24. R. W. armig' de manerio de G. cum p̄tiñ in A: in com̄ p̄d, & de ducentis acris terrę, 20. acris prati, et centum acris paſtur', cum pertiñ in A. pred' in com' pred' vi et armis, et manuforti, viz. gladijs, baculis, et cultellis, ꝓpulerunt et diſſeiſiuerunt, & ipſum ſic expulſum, & diſſ. a p̄d nono die A. anñ ſuprad' vſque diem captionis huius inquiſitionis, manuforti & vi & armis p̄d R. W. extrateneuerunt, contra pacē dict' dn̄ę Reg. nunc, et contra form̄ ſtatuti pred' in hoc caſu editi et prouiſi.

For counterfeiting of a proteſtion, and putting to it the great ſeal taken from other old letters Patents.

IVratores p̄ſent, quod R. D. nup de H. in com' H. Huſbandman, et alij machinantes, quomodo populum dom' regis nunc ſubtiliſſime poterint decipere vel defraudare & dominū regem, de his que ad ipſum regem pertinent, & regalia ſua, vt de feod' magni ſigilli & huiuſmodi, exhæredare, & veram legem Angl' a toto tempore vſitatam & approbatam ſubuertere & annullare, xvj. die Februaſ &c. apud T. in comitatu M. deceptiuè, falſo & proditorie, quaſdam falſas literas patentes, ad ſimilitudinem ſcript Cancellaſ domini Regis, contrafec' quaſi eſſent literæ patentes, de protectione ipſius Reg. ſub nomine I. K. clerici hanaperij Domini Regis, ac vnius clericorum Cancellariæ: p̄dict' ſcript hunc tenorem continen', viz. H. Dei gratia &c. reciting the letters Patents verbatim, Ac cum idem R. B. et alij &c. dictas falſas literas p̄tenſ fic vt permiſt, contra ofeciſſent, non habentes magnum ſigillum dñi regis, deceptorie, falſo, & proditorie, machinanſ, qualiter ipſi falſas & fictas literas patentes huiuſdem ſubtilius poterant ſigillare, & magnum Sect. 118

magnum sigillum domini Reg. contrafacere, dict' 16. die Februarij an. supradict apud B. in Com̃ pred' quoddam magn̄ sigillum domin̄ Reg. super quasd' patent ipsius domini Reg. pro tunc pend', et debit' impositum, acceperunt, assumentes sibi regiam potestatem et ipsum reg̃ regali sua auctoritat (quantũ in eis fuit) privant, ad tunc & ibid' cum quodã cultello arripuerunt, et illis dictis falsis, fict' et contrafact' literis patent decept & p̄dict' apposuerunt, et annexerunt, et easd' literas sigillaver, sigill' ill' subtilit' recludendo, quasi sic non fecissent, & sic magn̄ sigill' dñi reg. ad tunc & ibid' p̄dict' contrafecer, & cum p̄missa sic fecissent, dict' falsas & contrafact' literas patentes, ac vt pd' sigillatas, 8. die Mart' &c. apud villã de S. in Com̃ M. ac in diversis locis eiusd' Com̃, tanquam literas patent ipsius dñi reg. de p̄tect', deceptor', falso, et p̄dict' publicaver, et diversas pecuniarũ summas, de diversis ligeis dñi reg. receper, virtut' dictar' falsar', fictar' & contrafactarũ literarũ patent, in deception, dñi reg. ac populi sui p̄dic', & exhæredationẽ manifestam &c.

An Indictment against a Minister upon the Statute of Anno 5. Hen. 8. for forging of an Indenture of bargaine and sale of Lands.

Sect. 119 INquiratur p̄ domina Reg. q̄ cum in statuto Parliamẽto domini H. 8. nuper regis Angl' apud Westm̃ Anno regni sui quint', tent', ædit' &c. quod si aliqua persona siue person̄ quecunque post primum diem Iunij tunc p̄xim̃ sequent̃, ex sua propia mente & imaginatione, seu per falsam conspiration̄ & fraudem, cum alijs, scienter, subtiliter, & falso fabricaret fine faceret, siue subtiliter causaret, seu scienter consentiret fabricari, siue fieri, aliquod falsum factum, chartam, seu scriptum sigillarum, Rotul' Curiæ aut testamentum alicuius persone siue personarum in scriptis, ea intentione, q̄ status liberi tenti, seu hæreditaris alicuius person̄, siue personar', de, in, aut ad aliqua terras, tenementa seu hereditamenta libere tenuræ, aut customar', vel rectum, titulus, siue interesse, alicuius person', siue person̄arum, de, in vel ad eadem, sive aliquod eorum, molestari, perturbari, destrui, recuperari, vel onerari, poterit, aut contingeret, aut post pd̄ primũ diem Iunij, p̄nunciaret, publicaret, seu ostenderet in evidentiam, aliquod tale falsum & effectum factum, cartam, scriptum, Rotul' Curiæ, aut testamentum, tanquam vera, sciens eadem facta, falsa ac ficta (vt p̄fertur) ad intention̄ sup̄mentionat', & inde foret conuictus, aut super aliquam actionem sive actiones fabricandi falsa facta, super hoc statut' fundand' ad sectam partis grauatæ, vel aliter, secundum ordinem & debit' eursum legum huius Reg. Angl', aut super billam vel informationem in Cur' Cameræ Stell' exhibend', iuxta ordinem & vsum Curiæ ill': solueret parti grauatæ, custagia & damna sua ad duplum, inueniend' seu

assidend' in curia vbi huiusmodi conuictio foret: ac etiam statueretur super colliſtrigium in aliqua aperta villa mercatoria aut alio loco aperto et ibidem haberet ambas aures suas abscisas, ac nares suas interscis' et in partes diuisas, et ferro igneo cauterisatas, sic quod remanere possent pro perpetua nota & signo falsitatis suæ, et forisfaceret domin' Reg. hered' et successor' suis integr' exit' et proficua terrarū et tenementorum suorum durante vita sua, ac etiam sufferet & haberet perpetuum imprisonamentū durante vita ipsius, pred' damnis & custagijs recuperand' ad sectam partis grauatæ (vt prefertur) primo soluendis et leuandis de bonis et catallis offendentis, & de exitibus et proficuis dictarum terrarum, tenitorum, & hereditament' huiusmodi partis conuict', aut vnius seu vtriusq; eorū pred' titulo dict' domin' Reg. hered' vel successorum suorum ad eandem non obstant', put in eod' statuto inter alia plenius liquet. Quidā tamen T.M. de C. in p̄d' Com̄ E. Clericus, statutum pred' non ponderans, nec pœnā in eod' contentam veretis, post pred' primū diem Iunij, scil. &c. apud T. in pred' Com̄ E. ex sua propria mente & falsa imaginatione, conspiration̄ et couina, quoddam falsum factū, viz. quand' Indentur', p̄ quam quidam T.A. barganizaret et venderet omnes illas terras & tenta vocat' &c. cum pertin̄ in T. in pred' Com̄ E. cuidam I.S. scient', subtilit, et falso fabricauit et fecit, & eand' Indentur' tunc et ibid' p̄nunciauit, publicauit, et legi fecit et in euidentiam ostendit, ad molestand', destruēd', et perturband' statū, possessionem, titulum & interesse pred' T.B. in terr' et tenis p̄d', p̄ q̄ idē T.B. de possess. titulo, et interesse suis, ad tenement' pred' cum pertinentijs multipliciter pregrauat' & vexat' existit, in dict' doth Reg. legisque sue contempt' manifest', et ipsius T. damnum non modicum & grauamen, ac contra formam statuti pred' &c.

For forestalling the Market, and buying Salt fish by the way in comming to the Market.

INquiratur p̄ domina Regina quod cum R. N. de ciuitate N. in Com̄ ciuit' N. mercator possessionatus fuit de mille salsament' vt de suis bonis proprijs, si I.T. de ciuit' N. pred' Fishmonger, tertio die &c. apud N. pred' in Com̄ p̄d' ciu. t' N. et diuers' alijs diebus tam antea quam post, p̄f. R.N. tunc et ibid' obuiand' cum dict' mille salsament' in mercat' ciuit' p̄d' in Comitat' pred' venditur' pred' mille salsam' de p̄f. R.N. adtunc et ibid' extra mercatum ill' emit et forstallauit. per q̄ pred' R.N. pred' mille salsament' ad mercat' pred' non adduxit in contempt' domin' Reg. ac contra formam diuersorum statut' in hūdi casu æd' & prouis. ac contr' pacem dict' domine Regin'. Sect. 120.

An

An Indictment vpon the ſtatute of Anno 33. H. 8. againſt a Tipler for keeping of a comon bouling alley, and againſt diuers others for vſing to bowle in the ſame alley.

Sect. 121 IVratores ꝓ domina Reg. preſentant, ꝙ A.B. de C. in Com' E. Tipler, ſecundo die Septembris Ann. &c. et continue poſt dict' diem Ann. ſupradicto vſq; primum diem menſis Octobris, Ann. ſupradicto apud C. pred' in com' E. pred', quendam cõmunem locum iaciendi globos (vocat' Anglico, a common bowling alley) ꝓ lucro ipſius A.B. proprio, et ad ludend' tunc ibid' cum globis (Anglice vocat' bowles) illicite tenuit, cuſtodiuit, ac manutenuit, contra formam cuiuſd' ſtatuti in Parliamento dñi Henrici nuper reg. Angl' 8. tento anno regni ſui 33. in hũdi caſu ꝓuiſi & editi: Et ꝙ I.S. de O. pred' in dict' Com' E. Laborer, et tres aliæ perſonæ ignot', dicto 2. die Septembr' ann. ſuprad', dictum cõmunem locum viſitauer', ac tunc ibid' cum globis (Angl' vocat' bowles) inſimul et illicite luſerunt, contra formam ſtatuti pred' &c.

An Indictment vpon the Statute of Anno 8. H. 5 for gilding of the the hilt of a dagger with the fineſt gold.

Sect. 122 IVratoꝛ ꝓ dña Reg. ꝓſentant, ꝙ A.B. de S. in dict' Com' E. Aurifaber 2. die Iulij Anno &c. 35. apud S. pred' in Com' E. pred', quoddam manubrium pugionis ferrei (Anglice dict' a dagger hilt of yron) cuiuſdam E.D. de S. pred' in dicto Comit' E. yeoman, valoꝛ duorum ſolidoꝛ, auro puriſſimo ad valentiam quinq; ſolidorum deaurauit (Anglice did gilde with the fineſt gold) in magnum Reipublice detrimentum, ac contra formã cuiuſd' ſtatuti in Parliamento dñi H. nuper Reg. Angl' ꝙ. tenꝛ Ann. reg. ſui octauo in hũdi caſu ꝓuiſi et editi.

An Indictment againſt a Blackeſmith, for ſelling of a gelding to a Scot to bee conueyed into Scotland without the Queenes licence.

Sect. 123 IVratores pro domina Regina preſentant, quod quarto die menſis Iulij, Anno regni dict' dominę noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hybernię Reg. fidei defenſoris &c. Tricęſimo quarto A. B. de C. in Comitatu E. Blackſmith, apud quendam locum vocatum le Ferrie (in C. pred' in Com' E. pred' exiſtentem) vnum ſpadonẽ (Angl' dictum a Gelding) coloris albi, & pretij quatuor librarum legalis monetæ Angliæ, cuidam A. D. generoſo (natione homine Scoto) pro ſumma quatuor librarum in pecunijs numeratis pred' A.B. per prefat' A. D. tunc ibidem ſolutis voluntarie vendidit. Ac tunc & ibidem, eundem equum eidem A. D. intentione ad equum prædictum in Regnum

Scotię

Scotiæ abducendum & conueiandum (abſque aliqua ſpeciali licentia dictæ dominæ regiñ noſtr̃ nunc, p̃ literas ſuas patentes ſub magno Sigillo Angliç ad idem ſic faciendum inde prius obtenta) voluntariè & felonicè tradidit ac deliberauit, contra pac' dictæ dñæ reg' noſtr̃ nunc, ac in euerſionem huius regni ſui Angliç, necnon contra formam diuerſor̃ ſtatutor̃ in huiuſmodi caſu præantea prouiſ. & ædit̃orum.

For beating of two horſes, of which beating the one of them died preſently, and the other was ſore hurt.

INquirat̃ &c. ſi E. H &c. decimo die &c. vi & arm', viz. &c. duos equos coloris albi, precij &c. de bonis & catallis cuiuſdam I. F. apud M. in p̃d comitatu E. inuenit̃ quodam baculo percuſſit & verberauit, in tantum qd vnus equus equorum pred̃ ex percuſſione & verberatione illius ibid' incontinenter interijt, alterque equorum p̃d multipliciter fatigat̃, læſus & deterioratꝰ exiſtit. Et alia enormia eidem I. F. intulit ad graue damnum ipſius I. F. & contra pacem dictæ dominç reginæ &c. Sect. 124

An Indictment vpon the Statute of Anno 13. Ed. 3. *againſt the inhabitants of a Towne for the not taking of ſuch perſons which had robbed one of C. li. the partie robbed making Hue and cry, and giuing notice to the inhabitants of the Towne of the robberie.*

INquiratur pro dom̃ Regina, quod cum in ſtatut̃ in Parliamento domin' E. nup̃ Regis Angliç primi, progenitoris dominæ reginæ nunc, apud Winton, anno regni ſui 13. tent̃, ed̃it̃, inter cętera ordinat̃ fit, pro eo q̃, de die in diem roberiæ, homicicia, incendia domorum, & latrocinia, plus ſolit̃ tunc fiebant quam antea ſolebant, & felones non potuiſſent eſſe attinct̃' per ſacramentum Iurat̃, qui magis voluntariè permittebant felonias fieri gentibus extraneis, et felones euadere abſque pœna, quam malefactores Indictari, vbi maior pars fuerunt gentes de eadem patria, vel adminus, ſi malefactores fuerunt de alia patria, eorum receptores fuerunt de viſu vbi hm̃di malefacta fiebant, & hoc faciebant, pro eo quod ſacramen' eiſd̃ Iuratoꝝ non miniſtrabantur, nec in patria vbi felonię illæ fiebant, et quoad reſtitutionem damnorum, pœna ante nunc non fuit prouiſ. pro concelament̃ & negligentia ſuis. Idem nuper rex pro poſſe huiu'modi felonias debilitand̃ & decreſcend̃ ſtabilivit pœnam in illo caſu, ita quod exinde magis pro timore pœnæ quam pro pauore ſacrament̃, nullis felonibus extunc parcerent, nec aliquis felonias extunc concelaret, & q̃ proclam' fierent in omnibus Comit̃, hundred̃, mercat̃, ferijs, & omnibus alijs locis vbi multitudo gentiũ foret aſſemblata, ſic q̃ nulli p̃ ignorantiam ſe poſſint excuſare, & quod quelibet patria extunc ſic poſit̃ cuſtodiri, qđ inſtanter Sect. 125.

inſtanter poſt roberias & felonias factas, recens inſecut fieret de villa in villam, de patria in patriam, & etiam inquiſitiones fierent, ſi neceſſe foret, in villis per ipſum qui domiñ vel ſuperior eſſet in villa, & poſtea in hundred & franchefia, & in comitatu, & aliquando in duobus tribus, vel quatuor coñ, in caſu quando felonix fact fuer in Marchijs & confinijs coñ, ita quod malefactores potuiſſent eſſe attincti. Et ſi patria de corporibus huiuſmodi malefact' non reſponderet, pœna talis eſſet, q̃ quelibet patria, ſcz homines in patria commorantes, reſponderent de roberijs factis & damnis, ſic quod totum hundred, vbi roberia facta fuit, cum franchefijs, quę eſſent infra precinctum eiuſdem hundredi reſponderet de roberijs factis. Et ſi roberia foret in diuerſis duorum hundredorum, in huiuſmodi caſu reſponderent inde ambo hundreda, ſimul cum franchef. quę forent infra p̃cinctum hundred p̃d, & longioris temporis ſpacium non haberet patria poſt roberiam & felonias factas, quã xl. dierum, infra quos faceret emend de roberia vel de malefactis, vel reſponderet de corporib' malefactor', prout in ſtatuto pred' pleni' continetur. Ac cum quidam malefactores ignoti tertio die M. anno &c. apud N. in coñ E. pred' quæ quidem villa eſt infra hundred de H. vi & armis, viz. gladijs, baculis, & cultellis, in quendam O. C. inſultum fecerunt, & centũ libras de denarijs ipſius O. ibid inuent, felonicè ab eodem O. ſpoliauerunt, ceperunt & aſportauerunt contr pac' &c. vt alibi. Ac idem O. quam potuit citiſſ. poſt feloniam & ſpoliationem p̃d factas, ſcz quarto die M. anno &c. ſuprad. dicto apud N. p̃d, p totam eandem villam, huteſium & clamorem de roberia pred' fecit, & notitiam inhabitantibus eiuſd villæ de roberia illa dedit, & poſt roberiam xl. dies iam præterierunt. Iidem tamen inhabitantes emend de roberia p̃d fact' O. hucuſque non fecerunt, nec corpora felonum & malefact' prædictorum ceperunt, neque de corporibus eor hucuſq; reſponderunt, ſed malefactores & felon illos euadere pmiſerunt, in dict dñæ regiñ nunc contempt, & ipſi' O. graue damnũ, & contr formã ſtatut p̃d' &c.

An Indictment againſt diuers perſons vpon the Statute of 1. H. 7. *for hunting by night in one of the Queenes parkes, and killing of a brace of Bucks with Croſſebowes, and denying of the ſame vpon their examinations.*

Sect. 126. IVratores pro domiñ Regina præſentant, quod ſecundo die Auguſti, Anno regni dominæ noſtræ Elizabethæ, Dei gratia Ang'iæ, Franciæ, & Hybernię Regiñ, fidei defenſoris &c. Trieſimo quinto, inter horas decimam & vndecimam in nocte eiuſdem diei, A. B. de C. in dicto comitatu E. generoſ. D. E. & G. H. de F. in dicto comitatu E. huſbandmen, aggregatis ſibi nonnullis alijs malefactoribus ignotis, ad numerum ſex perſonarum, vi & armis, videlicet, prælongis baculis, arcubaliſtis,

baliſtis, & ſagittis, clauſum & parcum dict' domine Regine noſtre apud O. in dict' comitatu F. fregerunt, intrauerunt, & vnum par damak dict' domine Regine (Anglice vocat a brace of bucks) in dicto parco adtunc et ibidem depaſcent inuent illegitime venati ſunt, ac cum duobus ſagittis ex dictis arcubaliſtis emiſſis & ſagittatis, adtunc & ibidem occiderunt, et aſportauerunt, contra pacem dicte domin' Regine: Ac quod poſtea, die ſequente, viz. tertio die dicti menſis Auguſti, Anno ſupradicto T. S. tunc parcarius dictæ domine Regine, dicti ſui parci de O. pred' in comitatu E. pred' informauit apud C. predictam T. W. vnum Iuſticiariorum pacis dicte domine Regine, in dicto comitatu E. pred', de illicita venatione pred', modo & forma pred' facta, qui quidem Iuſticiarius ſuperinde warrantum ſuum in ſcriptis poſtea, videlicet, dict tertio die Auguſti, Anno ſupradicto direxit cuidam K. M. vni Conſtabulariorum Hundredi de S. in comitatu E. pred' (in quo quidē hundred' ſite ſunt pred' villæ de C. & F.) eo tenore, vt idem Conſtabularius arreſtaret p̄nominatos A. B. D. E. & G. H. ac eoſdem coram eodem Iuſticiar duceret & haberet, ad eos de dicta illicita venatione examinand'. Et qd dicti A. B. D. E. & G. H poſtea ſcilicet dicto tertio die Aug' Anñ ſupradict', coram dict Iuſticiario apud C. pred' in Com' E. pred' p Conſtabularium pred' virtute dict' warrante adducti, ac p eundem Iuſticiarium per ſuam diſcretionem adtunc et ibid' de dict illicita venatione, & de factoribus in ea parte examinati exiſten, pred' tamen venationē voluntarie & felonice concelauerunt & eorum quilibet voluntarie & felonice concelauit: Contra pacem dictæ dominæ Regiñ, Coron' & dignitatem ſuas, necnon contra formam cuiuſdam ſtatuti in Parliamento domini H. nuper Regis Angl' ſeptimi tento Anno regni ſui primo in huiuſmodi caſu p̄uiſi ac ædit.

Another Indictment againſt diuers perſons for hunting in a parke in the night time, with three Greyhoundes, and for killing a Bucke, and for vſing in the ſame parke a net called Buckeſtall.

INquiratur pro domina Regina, Si E. P. de C. in Comitat G. gen̄, H. P. de C. in Com' pred' gen', & R. B. de C. in Comitatu pred' yeoman, 30. die Auguſti, Anno &c. circa horam duodecimam in nocte eiuſdem diei, aggreg' ſibi quamplurimis alijs malefactoribus, & pacis dictæ dominæ Reginæ perturbatoribus ignot', vi & armis, viz. baculis ferro munit, arcubus, ſagittis, pugionibus & cultellis, & alijs armis tam innaſiuis quam defenſiuis, clauſum & parcum Eliz P. vidue apud H. Sancti Georgij in Com' p̄d, iniuſte fregerē & intrauerē, & damas ipſius Eliz. adtunc & ibidem in parco pred' cubant & depaſcent, cum tribus canibus leporarijs vocatis Greyhounds, & vno rete vocat a Buckeſtall, quod

Sect. 127.

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in parco ꝑd tenend', iniuſte venat ſunt & chaſiauer, & vnam damam vocat a Bucke, adtunc et ibid' cum canib' pred', riotoſe ceperunt, occider & aſportauer, contra pacem dict' dom̃ Regin̄, ad graue damn̄ ipſi' Eliz. & contra form̃ ſtatut in hm̃i caſu ædit et ꝓuiſ.

An Indictment againſt diuers for chaſing of a Bucke in one of the Queenes Foreſts with a Greyhound into coards, where he was hanged and killed.

Sect. 128 INquiratur ꝓ domina Regina, ſi R. M. nup de O. in Com̃ D. yeoman, R P. nuper de P. in Com' D. pred' yeoman, 39. die Auguſti An. &c. foreſtam dict' domin' Regin̄ de M. in Com̃ D. pred' freger & intrauer & vnam damam vocat a Bucke ad valenc' x. s. adtunc & ibid' inuenr, ſine licentia & voluntate dict' dom̃ regin̄, cum cane leporario vocat a Greyhound, fugauer & chaſiauer, & dictam damam apud R. infra precinct' foreſte ꝑd cum funibus Anglic' vocat halters, ſuſpend' et occider et ipſam damam ſic ſuſpenſ. et occiſ. iniuſte ceper et aſport, contra pacem dict' domin̄ Regin' &c. *vt ſupra.*

An Indictment againſt a Laborer vpon the ſtatute of An. 13. R. 2. for keeping of a Greyhound to courſe Hares and Conies, and for killing of a Cony with his Greyhound in a Conie garth, not hauing lands to the value of xl. s. by yeere.

Sect. 129 IVratores pro domina Regina preſentant, quod A. B. de C. in Com̃ E. labourer, (homo laicus exiſtens) à Feſto S. Bartholom̃i Apoſtoli, Anno regni domine noſtre Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, continue vſque in hunc preſentem diem, ſcz. decimum diem Decembr tunc ꝓxim̃ ſequen̄ apud C. pred', in Com̃ E. pred' habuit & cuſtodiuit vnum canem (Anglice vocat a Greyhound) ad venandum et chaceandum lepores & cuniculos: Et quod idem A. B. viceſimo ſeptimo die menſis Auguſti, Anno ſupradicto vnum caniculum valoris 4. d. in quodam clauſo I. S. de C. predicta in dict' Com̃ E. generoſi (vocato the Conie garth,) infra parochiã de C. predictam in Comitat exiſtent' cum dicto cane venatus eſt & occidit, vbi idem A. B. nunquam habuit terras aut tenementa ad clarum annum valorem quadraginta ſolidorum: Et dict̨ dominæ Regin' contemptum, ac contra formam cuiuſdam ſtatuti in Parlamento domini Richardi, olim Regis Anglię ſecundi, tento Anno reg. ſui tertio decimo, in hoc caſu ꝓuiſi ac editi.

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An Indictment vpon the ſtatute of Anno 38. Ed. 3. *againſt diuers Iurors in an Aſſiſe for taking of rewards to giue their verdict, and alſo againſt an imbraceour in the ſame Aſſiſe.*

IVratores pſentant ꝑ domina Regina, q̃ A.B. C.D.E.F.G.H.&c. complices I.K. naming all the Iurors, &c. iurat in quadã aſſiſa noue diſſeiſine quæ nup ſummonita fuit coram dilectis et fidelibus dicte dñe regiñ I.B.I.C.& N.C. nup Iuſticiarijs dict dñæ regiñ nunc, ad Aſsiſam illam capiendam, ꝑ breue ipſius dominæ reginæ inter W.S.& I.H. de tenẽtis in N. in pdict comit E. & poſtmodum (viz. die Lunę &c. anno &c. coram pfat I.B.I.C.&c. apud M. in comitatu E. pdꝯ ꝑ breue ipſius dñæ regin' Si non omnes capt poſit) ꝑ veredictu ſuo in hac parte dicendo, de pfat I.H. diuerſas pecuniaſ ſummas, viz. A.B. de pdꝯ I.H. xl s. & alia dona, (ſcz. panem, carnes, et vinum ad valenciam xx ſolid illegitimè ceperunt. Et pred I.K. (Imbraciator eiuſdem Aſſiſæ ad eandem ducendam & procurandam) de ꝓnominato W.S. ſummam x. marcarum, viceſimo die Aug', anñ regni dictæ dñę nr̃ę Eli. Dei gratia Angliæ, Franciæ, et Hyberñ Reginę, fidei defenſoris &c. triceſimo quinto apud M. pdꝯ, in com̃ E. pdꝯ, illegitimè ceperunt. In dict dom̃ Reginæ nunc contempt, ac contra formam cuiuſd ſtatuti in parliam̃to domini Edwardi olim regis Angliæ tertij, anno regni ſui triceſimo octauo tento, in hñdi caſu ꝓuiſi ac ædit. Sect. 130.

Another Indictment vpon the ſtatute of 38. Ed. 3. *againſt Iurors for taking rewards for to giue their verdict in an Aſſiſe: reciting of the ſaid Statute.*

IVratores dicunt, quod vbi in parliamento domini E. nuper regis Anglię tertio ꝓgenitoris dominæ Reginę nunc, anno regni ſui 38 tent, inter cętera concordat exiſtit, quod ſi aliqui Iuſ in Aſſiſa, Iuſ, ſeu aliquibus inquiſitionibus capiend, inter dominum Regem & partem, vel inter partem et partem, quicquid capiant, per ipſos, vel per alios, de parte conquerent, vel defendent, pro veredicto ſuo dicendo, & ſuper hoc, per proceſſum in quodam articulo de Iuſ, anno regni eiuſdem domini regis 34 factam conuincant, ſiue ſit ad ſectam partis, aut alterius cuiuſcunque perſonæ, qui pro domino rege, aut pro ſeipſo proſequi voluerit, ſoluat quilibet dictorum Iuſ Decies tantum quantum ipſe recepit, et habeat ille qui ſectam produxit, vnam medietatem, & dominus rex alteram tm̃ med int̃. & quod omnes imbraciatores, ducent & procurant tales inquiſitiones in patria, pro lucro vel proficuo, puniant eiſd modo et forma, ſicut Iuſ. Et ſi Iuſ vel Imbraciator ita conuictus, non habeat vnde in formis prędicta ſatisfacere poſsit, habeat imprisonament vnius Sect. 131.

vnius anni, put in ordinatione & concordia prædicta continetur. Quidã T.H. & I.B. & I.C. iurat in quadam assisa noue disseisine, q̃ nup̃ fuit coram dilectis et fidelibus dominæ reginæ I. A. I.C. & D.E. nuper Iustic' dominę reginæ nunc, ad assisam illam capiend' assign', per breue ipsius dominæ reginæ nunc, inter W.S. de L. & I.P. de teñ in R. et S. Et postmodum, viz. die, anno &c. coram p̃fat I.A. I.B. & I.C. apud W. per breue dictæ dominæ reginæ si non omnes capt, posit pro veredicto suo in hac parte dicendo, de p̃f I.H. diuersas pecuniarum summas, viz. pręd' T.H. xl.d. pręd' I.B. xl.s. & p̃d' I.C. quinque marcas xx. die Octobris, anno &c. apud &c. ceperunt, in dictæ dominę reginę nunc contempt, ac contra formam ordinationis et concordię p̃æd' &c.

For incloſing of an old common lying to a Towne, vpon the which common the inhabitants of the ſaid towne haue vſed to haue common for all manner of beaſts the whole yeare.

Sect. 132. IVratores p̃sentant, quod est, & à tempore quo non extat memoria, fuit, & esse consueuit apud villam de A. in com̃ M. quædam antiqua communia voc' M. eidem villæ adiacens, ac per spacium vnius milliarij ab eadem villa extendens, p̃ omnibus hominibus & tenent̃ infra villam p̃d̃ moram trahentibus, cum bobus, afris, porcis, bidentibus, & alijs auerijs suis, p̃ totum annum infra communiam pręd' depascend̃, quodq; omnes illi infra villam pręd' moram trahentes, à tempore quo memoria homin' non existit, infra villam predict communiam p̃ auerijs suis pręd' ibidem habere debuerunt & consueuerunt, quousque R.C. cum alijs ignotis de couina sui ei associatis vi & armis, scz. gladijs, baculis, falcastris, arcubus & sagittis, die &c. anno &c. apud E. in parochia de A. pręd', de commun̄ predict, iniuria sua p̃pria, & absque titulo, clameo, seu possession̄ p̃ ipsos habitis, 1000. act ibid̃, cum sepibus et fossatis sibi inclusit & obstipauit, & illas sic inclusas & obstipat, vt seperale solum suum à pred' die &c. vsq; &c. tenuit et occupauit, in preiudicium et damnum, nocumentũ & impedimentum omnium hominum et tenentium prædictor, infra communiã pred' communiam habentium, necnon contra consuetudinem pręd', & contra pacem dictæ dominę reginę &c.

For ingroſsing of Barley growing vpon the ground, to the intent to ſell it againe.

Sect. 133 INquiratur pro domin reg' si A.B. de M. in com̃ N. die & ann̄ &c. apud M. in parochia sancti Iohannis infra Ward Bertlet, in comit ciuitat N. emisset totum hordeum crescen̄ super viginti act terr apud M. in predicto com̃ N. ad intentionem dictum hordeum tenend̃ contra formam

statuti

ſtatuti in hmõdi caſu æditi & ꝓuiſi, ac cont pacẽ dict dominæ regin &c:

For buying and ingroſſing of fortie quarters of Wheate, to the intent to ſell it againe.

INquiratur &c. ſi I.C. de N. Dyer, tertio die I. anno &c. apud N. in com N. ac diuerſis alijs diebus, tam ante, quam poſt, diuerſa grana, viz. 40. quarteria tritici &c. ad valenc' &c. emit & ingroſſ. & in manib' ſuis tenuit, ea intentione ad reuend grã ꝓd, contra formam ſtatut in hmõdi caſu ꝑditi & prouiſ. in contempt &c. ac cont pacem dict dñæ reg' &c. Sect. 134.

For not keeping of a light horſe

IVratores pro domina regina ꝓſentant, quod vbi A.B. de C. in comit E. genet, à primo die Iunij, anno regni dictæ dominæ nr̃æ Eliz. Dei gratia Angl', Franc', & Hybern' reginæ, fidei defenſoris &c. triceſimõ quarto, vſque in hunc præſentem diem, &c. primum diem Maij, anno 34. ſuprad terras & tenementa in C. ꝓd, in dicto comitatu E. eidem A.B. & hæredibus ſuis in feodo ſimplici, ad clarum annuum valorem centum marcarum & amplius vltra omnes repriſas habuerit, ac tenuerit: Idem tamen A.B. per totum tempus præd', viz. à dicto primo die Iunij, anno ſuprad vſque nunc, nullum habuit, cuſtodiuit, manutenuit, aut ſuſtinuit equum caſtrat (Anglicè dictum a Gelding) habilem & idoneum pro leuis armaturæ equite (Anglicè, able, and meet for a light Horſeman) in dictæ dñæ reg' contemptum, ac in magnum huius regni ſui Angl' eneruationem, necnon contra formam cuiuſdam ſtatuti, in Parliamento Ph. & M. nuper reg' & regin' Angl', tento apud Weſt. annis regnor ſuor quarto & quinto, in huiuſmodi caſu prouiſi ac ꝑditi. Sect. 135.

For Batterie and Mayheme by cutting off the right thumbe.

IVratores præſentant pro domina regina, quod 3. die Sept, anno regni dñæ noſtr Eli. Dei gratia Angl', Franc', et Hyberñ regin', fidei defenſor &c. Triceſimo quinto, A.B. de C. in comitatu Staff. Taylor, vi et armis quoddam clauſum cuiuſdam I. S. apud C. ꝓd, in comitatu pred fregit et intrauit, et in dict I.S. tunc ibid in pace Dei et dict dominæ regin exiſtentem, inſultum & affraiam fecit, ac cum gladio diſtricto, ad valentiam decem ſolid, quem dictus A.B. tunc ibidem in leua manu ſua tenuit, eundem I.S. crudeliter verberauit, ac dextrum pollicem dicti I.S. tunc ibidem vno ictu amputauit, ac ſic eundem I.S. nequiter et felonicè tunc ibidem maihemauit, ad graue incommodum ipſius I.S. ac cont pacem dict ꝓd dñæ reginæ, noſtr, coronam & dignitat ſuam. Sect. 136.

For maintenance vpon the Statute of Anno 31. H. 8. *against one maintayning in an action of debt.*

Sect. 137. IVratores præſentant, quod cum in ſtatuto in Parliamento domini H. nuper regis Angl' 8. apud Weſt. 28. die April', anno regni ſui 31. inchoat', tent', & ibidem per diuerſas prorogationes vſque 25. diem Maij, anno regni ſui 32. prorogat' & continuat', & tunc ibidem tent' per dictum dominum regem, cum aſſenſu dominor' ſpiritualium & temporalium ac communitatis in eodem Parliamento congregat', necnon auctoritate eiuſd' Parliamenti, inter alia adtunc & ibidem in actitat' exiſtit, Quod nulla p̄ſona ſiue perſonæ cuiuſcunq; ſtatus, gradus, ſiue conditionis, ipſe vel ipſi, fuerit, ſiue fuerint, extunc de cetero illicitè manuteneret ſiue manuteneret, aut cauſaret ſiue cauſarent, procuraret ſiue procurarent, aliquam illicit' manutentionem, in aliqua actione, demanda, ſecta, ſiue querela in aliqua Curia dom̄ regis, Cancellariæ, cameræ Stellatæ, albæ Aulæ, aut alibi infra aliqua dominia regni Angliæ vel Walliæ, ſiue in marchijs earund', vbi aliqua perſona ſiue aliquæ perſonæ habent, ſeu extunc impoſterum haberent authorit' virtute commiſſionis domini regis ſuarum literarum patent', vel breuis ad tenend' placita t̄ræ vel ad examinand', audiend', ſiue determinand' aliquem titulum de t̄ra, ſiue aliquam materiã, vel teſtei concernent' titulum, ius, vel interreſſe aliquarum terr', tenem̄t', ſiue hæreditam̄tor': Ac etiam quod nulla perſona ſiue perſonæ cuiuſcunque ſtatus, gradus, vel condition̄, ipſe vel ipſi, fuerit ſiue fuerint, extunc in futuro illicitè retineret ſiue retinerent, pro manutentione alicuius ſect' ſiue placiti aliq̄ p̄ſon̄, aut aliquas p̄ſonas, ſiue imbraſiaret vel imbraſiarent aliquos liberos tenentes vel iuratores, aut ſubordinaret aliquos teſtes p̄ literas, munera, p̄miſſa, ſiue aliquem aliũ ſiniſtrum labor' vel mediũ, ad manutenend' aliquam mater' ſiue cauſam, aut ad diſturbation̄ vel impedim̄t Iuſticiæ, vel ad p̄curation̄ ſiue occaſionem alicuius piurij p̄ falſum veredict', aut aliter in aliquib' curijs antedictis, ſub pœna forifaciendi pro qualibet hm̄di offenſa x.li, quarum vna medietas eſſet dom. no regi, altera vero illi qui pro eadem p̄ſequi voluerit per actionem debiti, billã, querelam, ſiue information̄, in aliqua Curia dicti d̄ni regis, vbi nullũ eſſon̄, p̄tect', vadiac' legis, ſiue iniunctio allocabitur, p̄ut in ſtatut' p̄d' inter alia pleni' continetur. Quidã tamen T. L. ſtatut' p̄d' minimè ponderans, quã actionem quæ fuit in curia d̄næ reginæ, coram Iuſtic' ſuis de banco, inter quendã R. B. querent, et quendam T. D. de placito debiti, p̄ p̄te dict' R. B. verſus p̄f' T. D. 27. die Iunij, anno regni d̄nę n̄rę Eliz. nunc regin' Ang' 35. apud S. in p̄d' com̄ E. manutenuit & ſuſtentauit, in Iuſticiæ manifeſtã retardation', et diſturbantiam, ac in dict' d̄n̄ reg' nunc contemptum & p̄d' T. D. graue damnum, ac contra formam ſtatuti p̄d', &c.

For.

For Manſlaughter by Chance-medley, in thruſting of one into the belly with a long ſharpe piked ſtaffe.

IVratores ꝑ domina Regina preſentant, ꝙ A. B. de C. in dicto Comitatu E. Shoomaker, decimo ſexto die Septembris, Anñ regni dictæ dñę noſtrę Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberñ Reginæ fidei defenſoris &c. Triceſimo, apud C. pred' in Coñ p̄d E. quendam E. F. nup de C. pred', in Coñ E. pred' Weauer, (cui tunc ibid' fortuito & caſu obuiam venit) contumelioſis verbis laceſſiuit, ac in eund' E. F. tunc & ibidem in pace dei ac dict dñæ Reginæ exiſtẽ, vi & armis inſultũ fecit, & ventrem dicti E. F. tunc & ibidem cum baculo longo, cuſpide ꝑacuta capitato (Anglice vocato a long ſharpe piked ſtaffe) quem idem A. B. tunc ibidem in manib' ſuis tenuit, felonice pupugit & perfodit, dans eidem E. F. vulnus mortale in dicto ventre ſuo, latitudinis vnius pollicis, & ꝑfunditatis ſeptem polliciũ, de quo quidem mortali vulnere idem E. F. tunc ibid' inſtanter obijt ac interijt, contra pacem dict' dñæ Reginæ nunc, & contra coronã & dignitat ſuas. Sect. 138.

For Manſlaughter.

INquirat ꝑ dña Regina, ſi R. S. nuper de D. in Coñ p̄d E. yeoman, 19. die Decemb. Anno &c. vi & armis, viz. &c. in quend' T. C. cum quodam candelabro ad valenc' 12. d. ꝙ idem Rich. in manu ſua dextera adtunc & ibidem tenuit, eundẽ T. ſuper caput ſuum felonice ꝓcuſſit dans eidem T. adtunc & ibid' vnã plagã mortalẽ, poſteaq; idem Rich. corpus eiuſd' T. adtunc & ibid' ad terrã ꝑſtrat manib' genibuſq; ſuis tam dire & violenț quaſſauit, ita ꝙ p̄d' T. de plaga & quaſſatione pred' inſtanter interijt, & ſic p̄d' R. p̄d' T. modo & forma pred' adtunc & ibid' felonice interfecit, contr̄ pac' dict' dñæ regiñ, coronã &c. vt alibi. Sect. 139

For ſaying and hearing of Maſſe contrary to the Statute of 23. Elizab.

IVratores preſentant ꝑ dña Reg. quod I. R. nuper de C. in Coñ prædicto E. Clericus 8. die Aprilis, Anno regñ dict dñe noſtre Elizab. Dei gratia Angliæ, Franciæ, & Hiberniæ regin' fidei defenſoris &c. Triceſimo quarto, apud C. pred' in coñ p̄d' E. voluntarie dixit, et celebrauit vnam Miſſam contra formã cuiuſd̃ ſtatuti in Parliamento dict' dñæ Reginæ tento apud Weſtmonaſterium in Comitatu Middleſexiæ, Anno regñ ſui viceſimo tertio, in hoc caſu prouiſi & edit, & contra pacem dict' domine reg. coronam & dignitat ſuam: Et quod Maria B. de C. prædl' Sect. 140

in Com̃ pred' E. vidua, dicto 8. die Aprilis, Ann̄ supradict' apud C. p̄d' in Com̃ pred' E. interfuit presens tempore dict' celebrationi̇ missæ pred' ac eandem missam (sic vt prefertur dictam) adtunc & ibidem voluntarie audiuit, cōtra form̄ statuti pred', ac contra pacem coron̄ & dignitat' dict' domine Regine nostre.

An Indictment vpon the Statute of Anno 1. of the Queene against a Priest for saying of Masse in the Vestry of a church, and for vsing in the celebration of the Lords supper other rites and ceremonies then is appointed in the booke of common praier in An. 5. & 6. E. 6. and against 2. others for hearing of same Masse.

Sect. 141. INquirat' p̄ domina Regina, si G. C. nuper de E. in Com̃ E. Clericus 26. die Martij &c. apud E. pred', in Comitat' E. pred' in quodam loco ibid' vocat' the vestrie house, iuxta ecclesiā Parochialē de E. p̄d' in com̃ E. pred', voluntar' vsus fuit priuato alio ritu, ceremonia, forma & modo celebrationis Cœne dominice voc' the Lords supper, quam in quodam libro intitulat' liber communis precationis et administrationi̇ Sacramentorum & aliorum rituum & ceremoniarum Ecclesiæ Anglicanæ, auctorizat' p actum Parliamenti tent' in annis quinto & sexto Reg. Domini Edwardi nuper Regis Angliæ sexti, declar' & mentionat' existit, videlicet dicend' & celebrand' vnam priuatam Missam, contra formam statuti in Parliamento dicte domine Reg. nuncupato apud Westm̄ anno regni sui primo tent' edit' & promis'. & contra pacē eiusdem dñe Reg. coronā &c. vt alibi. Et si T. B. nuper de B. in Com̃ pred' yeoman, & I. M. nuper de W. in Comit' laborer, die & anno supradictis, apud W. predictam in comitatu predicto, tempore celebrationis pred' Cœne Domin̄ modo & forma pred' fuerunt presentes, & voluntarie audientes Missam p̄d' in forma pred' dictam & celebratam contra formam statuti p̄d' ac contra pacem &c.

For counterfeiting and vttering of money, one being accessarie to the same after the offence committed.

Sect. 142. IVratores p̄ domina Regina presentant, quod T. S. de W. in Comitatu E. Taillor, machinans dictam dominam Reginam, & populum suum callide & proditorie decipere, 20. die mensis Decembris, Anno regni dicte domine nostre Elizabethæ Dei gratia, Angliæ, Franc', & Hiberniæ Reg. fidei defensoris &c. Vicesimo nono, vnam peciam monete apud W. predictam, in Comitatu predicto E. de Stanno & alijs mixtis metallis, ad instar & ad similitudinem, bonæ & legalis monetæ & cunei dicte Domine nostre huius regni sui Angliæ (vo-

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(vocat' Angl'a ſhilling, or peꝛce of twelue pence) falsò et proditoriè fabricauit, cudit, & controfecit: poſteaque, viz. dicto die 20. anno ſupradicto, eandem peciam (ſic vt præmittitur, falso & proditoriè fabricatam & controfactam) diuerſis ligeis dictæ dominę reginæ, pro vera & legitima moneta huius regni ſui Angliæ apud W. prędictam, in comitatu E. predicto, falso & proditorie expoſuit et vtterauit. In magnem ſubditoꝝ dictæ dñæ noſtꝛæ deceptionem, ac contra pacem dict' dñæ noſtꝛæ coronã, & dignitatem ſuam, necnon contra formam diuerſoꝝ ſtatutoꝝ in eiuſmodi caſu prouiſorum & ædituorum. Et quod M. (vxor T. A. de W. predict' in dicto comitatu E genet) ſciens prænominatum T. S. proditioñ præd' modo et forma pred' feciſſe, & commiſiſſe, eundem tamen T. S. poſtea, viz. ſecundo die Febꝛ, anno ſupradicto apud W. prædict, in comitatu E. prædict, receptauit, et confortauit, ac proditionem pred' concelauit, contra pacem dict' dominę reginæ nunc, coronam, & dignitatem ſuam.

Againſt counterfeiting and vttering of money and gold.

INquiratur pro domina regina, ſi R. W. nuper de H. in comitatu E. Smith, I. L. nuper de C. in predict' comitatu E. Glouer, & T. B. nuper de D. in prædict' comit' E. Yeoman, Deum præ oculis ſuis non habentes, ſed inſtigac' diabolic' ſeduct', machinanteſq; dict' dominam reginam et populum ſuum callidè, falsò, deceptiuè et proditoꝝ decipere et defraudaꝛ, duodecimo die Martij, anno regni dñę Eliz. &c. ſexto, ſex pecias monet' apud B. prædꝯ in comitatu pdꝯ E. de cupro & alijs mixtis metallis, ad inſtar & ſimilitudinem bonę legalis & curreñ monetæ & cunei dictæ dominę reginæ huius regni ſui Angliæ, Anglicè vocat' ſhillings, necnon duas pecias è cupro, ære & alijs mixtis metallis, ad inſtar & ſimilitudin' bonæ legalis & curꝛent' monetę & cunei auri dict' dominæ regin' regni ſui Angliæ, Anglicè vocat' halfe ſouereignes, falso et proditoriè fabricauer' cuder' et controfecer', ac quaſdam earundem peciaꝝ ſic vt præmittitur, falsò & ꝓditoriè fabricat' cuſas & controf. &c. diuerſis ligeis dictæ domꝰ reginæ ꝓ vera, legitima & curꝛent' monet' huius regni Anglię apud B. pred' in dicto comꝰ E. et alibi in dict' comꝰ E. poſtea deceptiue, falso, & proditoꝝ expoſuer', ſoluer', & vtterauer' in magnum ꝓiudicium, fraudem, & deceptionem ligeoꝝ dict' dominę regiñ, ac contra pacem eiuſdem domiñ regin' coronam & dignitatem ſuam, necnon contra formam diuerſorum ſtatutoꝝ in hmõdi caſu ędituꝝ & prouiſorum.

Sect. 143.

For coyning of money.

INquiratur pro domina regina, ſi H. H. nuper de B. in comitatu F. Sect. 144.
Tarlor, Deum præ oculis ſuis non habens, ſed inſtigatione diabolica

ſeduct', vt prodit̃ dict̃æ domin' Regin', quinto die Maij, anno &c. ſexdecim pecias monet̃ vocat̃ shillings, de falſo et mixt̃ metallo ad inſtar cunei huius regni Angl', vulgariter vocat̃ Quéene Elizabeth shillings, apud B. pred̃, in com̃ E. pred', falsò, felonicè, & proditorie contrefecit, fabricauit & cunauit, contra pacem, ac contra formam &c. vt ſupra.

For coining and vttering of gold.

Sect. 145. INquiratur pro domina regina, ſi H. A. nuper de B. in comitat̃ E. Labourer, & T. S. nuper de T. in comitatu predict' Labourer, die et anno &c. & diuerſis alijs diebus & vicibus tam antea quam poſtea, Deum præ oculis ſuis non habentes, ſed inſtigat' diabolic' ſeduct', machinanteſq; dict̃ dominam reginam et populum ſuum callidè, falsò, deceptiuè et proditor̃ decipere et defraudare de iniuria ſua propria abſque authorit̃, warrant̃, ſiue conceſſione Regiæ maieſtatis eis aut eorum alteri conceſſ. octo pecias falſę monetæ, ad imaginem & ſimilitudinem peciarum monetæ aur̃ Anglicè vocat̃ golden ſoueraignes of r. s. a pẽce, apud M. in com̃ E. p̃d̃, pro iniquo lucro & aduantagio è cupro, falso et proditoriè deaurauer̃, & eaſdem peçias falsò & ꝓditoriè ſic veprætmiti̇tur, fact̃, fabricat̃, contrefact̃, et cunat̃, diuerſis ligeis dict̃æ dom̃ reginæ ꝓ vera, legitima & current̃ moneta dict̃æ dom̃ regin̄ regni ſui Angl' apud M. pred', in com̃ E. p̃d̃ xx. die Octob', anno ſupradict̃, ac diuerſis alijs diebus antea & poſtea, deceptiue, falso, & proditor̃ expoſuer̃, & vtterauer̃ in ſolutionem diuerſis ligeis dict̃æ dominę regin̄, necnon contra formam diuerſorum ſtatutor̃ in hm̃di caſu ẽditorum & prouiſorum, ac contra &c.

Of murder by two with a weapon, and one acceſſorie before the offence committed.

Sect. 146. INquiratur pro domin̄ regina, ſi H. W. nuper de S. in com̃ E. Tailor, & W. C. de S. in com̃ E. pred̃ Weauer, primo die Martij, anno regni domin̄ Eliz. Dei gratia Anglię, Francię, & Hybernię regin̄, fidei defenſoris &c. 4. apud C. in pochia de S. pred̃, in com̃ E. pred̃, vi & armis &c. in quendam T. B. in pace Dei & dict̃æ dn̄æ reg', aduⁿc & ibidem exiſt', inſult̃ fecer̃, & p̃d̃ H. W. cum quodam falcaſtro Anglice vocat̃ a Welſh hooke, valor̃ xij. d. quem idem H. in vtraq; manu ſua aduⁿc & ibid̃ tenebat, p̃d̃ T. B ſuper dextrum brachium ꝓpe manum dextram auricul̃ & ibid̃ felonice percuſſit, dans eidem T. aduⁿc & ibid̃ cum falcaſtro p̃dict̃, vnam plagam mortal', p̃fundam̃ duor̃ pollicium, & longitud̃ quinque pollicium, de qua quidem plaga mortali, pred̃ T. aduⁿc & ibid̃ inſtanter obijt. Et ſic predict' H. W. & W. C. apud S. predictam, in comitatu E. predict̃, modo & forma p̃dict', præd̃ T. B. felonice, ac ex malitia

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ſua precogitat' interfecer, et murdrauer, contra pac' dict' dñæ regin nunc, coronã et dignitat' ſuas. Et ſi I.H. de S. pd' in Com̃ E. pd' huſbandman, ante ſelon̄ et murdr' pred' p̃ ꝑfat' H. & W. ſic in forma pred' Cõmiſſ. & prepetrat', viz. pred' primo die Martij, Anno &c. apud S. pd' in comitat' E. pred' predictos H. W. et W.C. ad ſelon̄ et murdr' pred', ſic in forma pred' faciend' et ꝑpetrand' malitioſe et ſelon̄ incitaũt, abbettaũt, et ꝑcur', contra pacem dict' &c. vt ſupra. Acceſſarie.

Of Murder by two with weapon.

IVratores p̃ domina Regina preſentant, quod A.B. nuper de C. in dicto comitatu E. Blackſmith, & D.E. de C. pred' in Com̃ E. pred' Butcher, ſeptimo die Septembris, Anno regni dictæ dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. tricesimo, vi & armis ex malitia ſua premeditata, in quendam F.G. nuper de B. in dicto comit' E. yeoman, apud B. pred' in Com̃ E. pred' in quodam loco ibidem (vulgariter nuncupato the bowling place) adtunc & ibidem in pace Dei, & dictæ Dominę Regin' exiſtentem, inſultũ fecerunt, et prefatus A.B. cum quodam gladio diſtricto, ad valentiam quinq; ſolidor', quem ipſe in manu ſua dextra adtunc & ibidẽ tenuit, ipſum F.G. ſuper ſyncipũt ſuum voluntarie & felonice tunc ibid' ꝑcuſſit, & eo ipſo ictu dedit eidem F.G. quandam plagam mortalem, in longitudine trium pollicium, & in profunditate quinque pollicium et dimid', de qua quidem mortali plaga pred' F.G. tunc & ibid' inſtanter & immediate obijt. Et vlterius, q̃ pd' D.E. cum quodã baculo ad valentiam vnius oboli (quem ipſe in manibus ſuis adtunc ibid' tenuit) ipſum F G. adtunc & ibid' voluntarie & felon' ꝑcuſſit ſup̃ caput ſuum, dans eidẽ F.G. vnam aliam plagã mortalẽ in dicto ſuo capite, in longitudine triũ pollicium, & in ꝑfunditate duorũ pollicium, vnde idẽ F.G. de plaga vltimo pd' obijſſet, ſi nõ obijſſet de ictu illo prius pred', q̃ pd' A.B. ei primo dederat. Et ſic Iurat' pd' dicunt, q̃ prenominati A.B. & D.E. dict' 7 die Septemb. Anno ſuprad', apud B. pd' in pd' loco (vocato the bowling place) pred' F.G. modo & forma pd', ex malitia ſua precogitat', voluntarie, & felonice interfecerunt & murdrauerunt, contra pacem dict' dñæ Regin', ac contra coron̄ & dignitat' ſuam. Sect. 147

For a murder with a cudgell, and flying afterward.

INquiratur pro domina regina, ſi I.S. nuper de T. infra Parochiam pd' G. in Comitatu E. predict' laboret, 13. die Iulij, &c. non habens Deum pro oculis, ſed inſtigatione diabolic' mot' & ſeductus, Sect. 148

ex malicia ſua p̄cogitat, vi & armis &c. in quendam Ric' N. apud C. in Comit̄ E. pred', adtunc & ibidem exiſtēn in pace dei & dict̄ dominæ Reginę inſult̄ et affraiam fecit, ac vno bacillo vocato a Cudgell nullius valoris, quem idem I.S. adtunc & ibidem in manu ſua dextra tenuit, eundem R. N. in dextram partem capitis Rich' adtunc & ibidem felonice percuſſit, dans eidem R. adtunc & ibidem cum bacillo pred̄, plagā mortalem longitudinis trium pollicium, & p̄funditatis vnius pollicis, contundendo caput dict̄ Rich', de qua quidem plaga mortali, pred' R. apud K. in p̄d̄ Com̄ E. pred' languebat à pred' 14. Iunij, Anno ſupradict̄, vſque 27. diem eiuſd' menſis Iunij, tunc p̄xim̄ ſequen. Quo quidē 27. die Iunij anno ſupradict̄, p̄d' Rich' N. apud K. pred', in p̄d̄ Com̄ E. ex plaga pred' mortali obijt. Et ſic p̄d̄ Iohan. S. eundem R. N. apud C. p̄dict̄ in Comit̄ E. pred', ex malitia ſua p̄cogitata modo & forma pred', felonice interfecit et murdrauit, contr̄ pac' dict' dn̄æ reginæ Coronam & dignit̄ ſuas. Et ſic pred' Iohan. S. poſtquā ipſe feloniam & murdrū pred' ſic in forma pred' feciſſet et p̄petraſſet, fugam fecit, contra pacem dict' dom̄i reginæ &c. vt alibi.

Flying.

Of Murder and procurement in the high way.

Sect. 149. INquiratur pro domina regina, Si P. P. nuper de L. in predict̄ Com̄ E. laborer, 22. die Octob̄ anno &c. inter horas ſextam & ſeptimam poſt meridiem eiuſd' diei, Deum præ oculis ſuis non habens, ſed inſtigatione diabolica motus & ſeductus, ex malicia ſua p̄cogitata, vi et armis &c. in quendam R. P. in via Regia apud P. infra Parochiam de S. in Comit̄ E. pred' adtunc & ibidem in pace Dei, & dict̄æ dominæ Regin' exiſtēn inſultum fecit, et cum vno baculo valoris 2. d. quem idem P. P. adtunc & ibid' in manibus ſuis tenuit, eundē Rich. ſuper dextram part̄ capitis ſui, adtunc et ibid' felonice p̄cuſſit, dans eid' Rich. adtunc et ibid' cum baculo p̄d̄ vnam plagā mortalē in longitudine duorum pollicium, & in p̄fundit̄ dimid' pollicis, de qua quidem plaga mortali, p̄d' R. P. apud E. infra Parochiam de S. pred' in Com̄ pred' E. à pred' 22. die Octob. An. 15. ſupradict̄, vſq; ſeptimū diem Febr. tunc p̄xim̄ ſequen. languebat quo quidem 7. die Febr̄ anno 15. ſupradicto, idem R. P. apud E. pred' in Com̄ E. pred', de pred' plaga mortali obijt. Et ſic Iuratores pred' dicent ſuper Sacramentum ſuum pred', quod pred' P. P. ipſum R. P. infra Parochiam de S. predicta in Comitatu E. p̄dicto dicto ſeptimo die Februarij anno ſupradicto, ex malicia ſua p̄cogitat̄, modo & forma pred' felonice interfecit et murdrauit, contra pacē dictæ &c. vt alibi. Et ſi Katharina P. vxor pred' R. nuper de L. pred', in Comit̄ E. pred', conſiliet, ante feloniam & murdrū p̄d̄ p̄ ipſum P. P. ſic in forma pred' factum &

Acceſſarie by procurement.

perpe-

perpetratū, viz. 21. die Octobr, anno 15. ſuprad' eundem P.P. apud L. pred' in Com E. pred' ad feloniam & murdrū p̄d, in forma pred' ſic faciend' & ꝓpetrand' felon excitauit, abbettauit, et ꝓcurauit, contr pac' dict' dñi regiñ &c. vt alibi.

Of Murder and diuers wounds, and acceſſary by procurement.

INquiratur ꝓ domina Regina, Si T. B. nup de S. in Com E. predict' yeoman, & H. O. nuper de S. in Com pred' yeoman, 3. die Iunij &c. vi & armis ex malitia ſua precogitata, in quendam W. B. apud T. in comitatu E. predicto, in quodam loco ibidem voc' H. adtunc & ibidem in pace dei et dict' domin' Regine exiſtentem, inſultum fecer, & pred T. B. cum quodam baculo ad valenc' duorum denariorum quem ipſe in ambabus manibus ſuis adtunc et ibidem tenuit, ipſum W. B. ſuper poſteriorem partem capitis ſui felonice percuſſit, et dedit ei vnam plagam mortalem latitudine quatuor pollicium, de qua quidem plaga mortali pred' W. B. immediate obijt. Et quod predictus H. O. cum quodā pugione ad valenc' ſex denariorum, quem ipſe in manibus ſuis adtunc & ibidem tenuit, ipſum W. B. adtunc & ibidem felonicè percuſſit, dans eidem W. in gutture ſuo vnam aliam plagam mortal' latitudine vnius pollicis, & profunditate quinque pollicium, vnde idem W. B. de plaga pred immediate obijſſet, ſi non obijſſet de ictu prædquem pred' T. ei dediſſet prius. Et predictus T. B. die & anno ſupradictis adtunc & ibidem cum quodam baculo ad valenc' duorum denariorum quem ipſe in manibus ſuis adtunc & ibidem tenuit, ipſum W. B. ſuper poſteriorem partem capitis ſui felonicè percuſſit, & dedit ei vnam aliam plagam mortalem latitud' quatuor pollicium, de qua quidem plaga mortali pred' W. B. adtunc & ibidem immediate obijſſet, ſi non obijſſet de ictu predicto, quem predict' T. B. ei prius dediſſet. Et quod p̄d H. O. die & anno ſupradictis, cum quodam pugione ad valenc' ſex denariorum, quem ipſe in manibus ſuis adtunc et ibidem tenuit ipſum W. B. adtunc et ibidem felonice percuſſit, dans ei in gutture ſuo vnam aliam plagam mortalem latitudin' vnius pollicis, et profunditatis trium pollicium, vnde idem W. de plaga predicta immediate obijſſet, ſi non obijſſet de ictu predicto, quem predictus T. B. ei prius dediſſet. Et ſi predict' T. B. & H. O. dicto tertio die Iunij, anno ſupradicto, apud T. predict' in Com' E. predict' in predict' loco voc' H. pred' W. B. felonice interfecer & murdrauerunt, & ſi Eliz. B. nuper de S. pred', in Com E. predictæ Spinſter, vxor predict T. B. & I. O. nuper de S. predict, in p̄d Com E. Spinſter, vxor pred' H. O. pred' tertij die Iunij, anno ſupradict', in predict' Comitatu E. vi et armis &c. in predict' loco apud T. predict, vocato H. ex malitia ſua precogitata preſent fuerunt, ab- Sect. 150

abbettantes, auxiliantes et confortantes pred' T. B. & H. O. ad vulnerand' ꝑd' W. B. & ad feloniam & murdrum pred' in forma pred' faciendum, felonice excitauerunt, et ꝓcurauerunt, contra pacem dict' dñæ Reg. coronam & dignitatem suas.

An Inquisition of murder found before a Coroner upon the view of the body slaine, against one for killing of his Mistris with a hatchet on the head, shee being then great with childe.

Sect. 151

INquisitio capt' apud H. in coñ E. &c. coram me Iohan. S. vno coron domini R. in comitatu pred', die Martis &c. Anno &c. super visum corporis C. nuper vxoris P. B. de H. pred', apud H. pred' felonice interfect', adtunc et ibidem mortui iacent, per sacramentum proborum & legalium hominum de villa de H. & trium aliarum villarum propinquarum, viz. S. N. & C. prout moris est &c. ad inquirend' qualiter et quo modo pred' C. ad mortem suam deuenit, viz. per sacramentum A. B C. D. &c. qui dicunt super sacramentum suum &c. quod vbi predict' C. die, anno, loco, & comit' predictis, circa horam secundam post meridiem dicti diei Martis fuit in pace Dei & domini Regis nunc apud H. pred', vbi venit quidam W. B. nuper de C in comitat' Wigorn' gen, felonice vt felo domini regis nunc insidiand' et ex insultu premeditato contra pacem eiusdem domini Regis, coronam et dignitatem suas, die, anno, hora, loco, & comit' predictis, in predictam C. magistram suam, quæ adtunc grauida fuit & vicina partui, insultum fecit, et eandem C. cum quadam securi vocatum an Hatchet, precij 4. d. quam idem W. tenuit in manibus suis super sinistram partem capitis sui felonice percussit, dans ei plagam mortalem, de qua quidem plaga mortali, eadem C. instanter obijt, & sic pred' W. predict' C. Magistram suam adtunc et ibid' felonice interfecit, & murdrauit contra pacem &c.

An Indictment against a widow for procuring one to murder her child in her presence after she was deliuered, by cutting the throat, and against the accessaries, before and after the offence committed.

Sect. 152

IVratores pro domina Regina presentant, quod H. M. nuper de K. in pred' Com E. vidua, grauida existens cum quadam infante viua 24. Maij, Anno regni dict' Dominæ nostræ Elizabethæ, Dei gratia Angl', Franc' et Hiber' regin fidei defensor &c. Secundo apud K. pred' in com E. pred', ex Dei ꝓuidentia parturijt, et peperit vnam ꝓlem femelam viuam, postea q; quedã Iana S. nuper de W. in dicto Com E. vidua, apud K. pred', in comitatu E. pred' vi et armis, ex malitia sua ꝓcogitata (dicto 24. die Maij, Anno supradict', circa horam vndecimam ante meridiem eiusdem diei) per consilium, mandatum, & ꝓcurationem predict' H. M.

ac

ac in præſentia ipſius H.M. in prædictam ꝑlem femellam viuam inſultꝫ fecit, & cum quodam cultello (ad valentiam vnius denarij) quem eadem Iana tunc in manu ſua dextra tenuit, gutturi ipſius ꝑlis femellæ adtunc et ibidem felonicè ſcidit, dans eidem ꝑli femellæ quandam plagam mortalem in gutture ſuo præd', de qua quidem plaga mortali ꝑles femella p̄d', apud K. p̄d' in comitatu E. præd', adtunc & ibidem inſtanter obijt. Et qd præd' H.M. adtunc et ibidem felonicè fuit præſens, comfortans, & auxilians ad præd' ꝑlem femellam in forma p̄d' interficiendam. Et ſic p̄f. H.M. & Iana, præd' ꝑlem femellam ex malitia ſua præcogitata, felonicè et voluntariè, interfecerunt, et murdrauerunt, conꝯ pac' dominæ reginæ, coronam & dignitatem ſuas. Et inſuper Iuratores prædicti præſentant pro dicta domina regina, quod Georgius P. nuper de K. prædicta in dicto comitatu E. Yeoman, 19. die Maij, anno regni dictæ dominæ reginæ ſecundo, ac diuerſis alijs diebus et vicibus, ante feloniam & murdrum prædict' in forma prędicta perpetrat' apud K. prędictam in comitat' E. prædicto malitioſe et felonicè conſuluit, mandauit, procurauit & abbettauit, præd' H.M. ad prędictum murdrum voluntarium faciendum ac ad interficiendum & murdrandum dictam prolem femellam, contra pacem dictę dominæ reginæ: Et vlterius, quod O.P. & A.B. de K. prędict' in comitatu E. prædict' Spinsters, poſt murdrum & feloniam prædict' in forma prædicta facta, ſcientes præfatos H.M. & I.S. feloniam et murdrum pred' in forma predicta feciſſe et perpetraſſe, ipſam tamen H.M. apud K. pred', in comitatu E. prædict' (27. die dict' menſis Maij, anno ſupradict') felonicè receptauerunt, et confortauerunt, contra pacem dict' dominę reginæ nunc, coronam, & dignitatem ſuas.

An Indictment of petit Treaſon againſt a late ſeruant for murdring of his Maſter, and the acceſſorie before the offence.

IVratores pro domina Regina præſentant, quod A. B. de C. in comitat' E. Glocet', nuper ſeruiens B. D. de C. prædicta in dicto comitatu E. Glocet', decimo die Septembris, anno regni dictæ dominæ noſtræ Elizabethę, Dei gratia Angliæ, Francię, & Hyberniæ, Reginæ, fidei defenſoris &c. Triceſimo quarto, in domo manſionali prædict' B.D. apud C. pred' in comitat' E. p̄d' vi & armis, viz. cum gladio et pugione diſtrictis ad valenc' x ſolidoꝝ (quos idem A.B. tunc ibidem, in manib' ſuis tenuit) in prenominatum B.D. tunc magiſtrum ſuum tunc et ibidem in pac' Dei & dictæ Dominæ Reginę exiſtentem, voluntariè & ex malitia ſua præcogitata inſultum fecit, & eundem B.D. tunc magiſtrum ſuum, adtunc & ibidem cum dicto gladio felonicè & proditorie ſup caput ſuum fortiter & validè percuſſit, ita quod dicto ictu, caput ipſius B.D. tunc magiſtri ſui Sect. 153

ſui tunc & ibid ia duas partes ſcidit, dans ei plagam mortalē: vnde corpus dict' B.D. immediatè ibid ad terram cecidit, & dictus B D. inſtanter ibid de plaga p̄d mortuus eſt. Et ſic p̄f. A.B. apud C. p̄d ex malitia ſua p̄cogitata, eundem B.D. magiſtr ſuum p̄d modo et forma p̄d, voluntar, nequit, felonicè, & p̄ditorie interfecit, contra pac' dict dom̄ noſtr nunc, coronam et dignitat ſuas. Et q̄ quidam I.S. de C. p̄d in dicto comitat E. Gyocrr (ante proditionem p̄d p p̄f. A.B. ſic vt p̄fertur voluntarie perpetratam & commiſſam) viz. ſexto die Septem' anno ſupradd, eund A.B. apud C. p̄d in com̄ E. p̄d, ad p̄ditionem p̄d in forma p̄d ppetranda & committend, felonicè conſuluit, excitauit, & procurauit, contra pac' dict' domin' n̄r Reginæ, ac contra coron., & dignitat ſuam.

An Indictment of petie treaſon againſt a ſeruant for breaking of his maſters houſe, and cutting of his throat with a trencher knife.

Sect. 154 INquiratur &c. ſi I.M. de D. in com̄ M. yeoman, homo ſeruiens W.R. de S. in com̄ E. p̄d, & in ſeruitio ipſi' W. pro hoc integro an̄ retent 12. die Maij an̄ &c apud S. in p̄d com̄ E. domum pred' W.R. adtunc magiſtri ſui exiſten vi & armis &c. felon fregit et intrauit. & in ipſum W. adtūc et ibid in domo ſua p̄pria in pace Dei & dict dominæ reg. exiſten inſultum fecit et cū vno cultello voc' a trencher knife, precij ij. d. q̄ idē I. adtunc & ibid in manu ſua dextra tenuit, p̄d W. felon & proditor p̄cuſſit, & guttur ipſius W. m̄ri ſui adtunc & ibid' cum cultello illo totaliter felon' & proditor ſcidit, dans ei adtunc & ibid quand plagā mortal', de qua quid' plag' p̄d. W. adtunc & ibid inſtant, moriebat, & ſic p̄d I.M. p̄d W.R. Magiſtr ſuum adtunc & ibid inſtant, modo & forma ſupradd, felon' et p̄ditor interfecit et murdr, contra pac' dict dn̄ reg. coron & dignitat ſuam.

An Inquiſition of Murder taken before a Coroner, vpon the view of the body, wherein is found one to be preſent and ayding to the ſame murder.

Sect. 155 INquiſitio capta coram A. B. vno Coronator domini Regis &c. ſuper viſum corpor I.S. &c. qui dicunt quod ita accidit apud M. in comitat præd' E die &c. circa horam &c. quod vbi pred' I.S. fuit in pace Dei, & dicti domini regis apud M. eiſdem die, anno, loco, & hora, vbi venit W. L. de M. & S.T. &c. vt felones dicti domini regis, & ex malitia ſua p̄cogitata, in ipſum I. S. adtunc & ibidem inſultum fecerunt, & pred' W. L. quodam pugione precij 4. d. quem ipſe in manu ſua dextra tunc tenebat, dict' I.S. ſuper ſiniſtr partem corporis ſui, viz. ſubter aſellam percuſſit

cussit vsque ad cor suum, dando ei plagã mortalẽ, vnde idem I.S. eadem hora tunc & ibid' obijt in continent, & sic pred' W.L. pfat I.S. apud M pred' in pred' Com̃ E. felon̄ interfecit & murdrauit contr pac' dict dñi reg. coron̄ & dignitat suas. Et q̃ pd' S.T. loco, die, anno, et hora pred', pd felon' fuit plens, assistens, abbettãs, pcur', consort et manutenens pf. W.L. ad felon̄ & murdrum pred' inform̃ pred' &c. In cuius &c.

For a Nusans of a common bridge in the Queenes high way, ouer a riuer, which is decayed, and not knowen who should repaire it.

IVratores pro dña regina presentant, quod pons public' & cõmunis, situs in alta regia via super flumen de M. infra parochiam de A. in Com̃ E. pred' (vulgariter dictus A.) est, et per aliquot annos iam proxim̃ elapsos fuit valde ruinosus, & in maximo decasu, ob defectũ reparation̄, adeo vt subditi dict' dominę reginæ, in, super, trans, vel vltra dictum pontem, p se, vel cum eorũ equis, bigis, aut cariagijs, redire, aut transire, sine magno vitę discrimine non audent aut possunt, ad cõmune nocumentũ omnium vicinorum, & cõpatriatarum in dict com̃ E. habitantium, quorum interest ratione negotior̄ suorum illac transire: Et vlter' q̃ prorsus nescitur, quę plonæ, quęue terre, tenement, aut corpora corporata & politica, eundẽ pontẽ aut aliquã inde parcellam, ex iure, aut ex antiqua consuet, reficere et reparare debent, aut consueuerunt. Sect. 156

rite, 6. Mod. 255, 256.

For a nusans of a bridge ouer a riuer in the Queens high way which is decaied, and ought to be repaired by the Queene by reason of a Manor.

IVr̃ presen̄t &c. q̃ quidam pons situat̄ super aquã de Trent in paroch' de Newarke in com̃ S. voc' ✠. Bridge existens in reg. via, est ruinosus & in magno decasu, ita quod ligei dom̃ reg. in, p, super, vel vltra eundẽ pontem, absq; magno periculo transire seu laborare non valent, ad commune nocumentum omnium ligeorum dict' dñæ reg. trans & vltra pontem pd' transeunt seu transire volentium. Et q̃ dom̃ regin̄ nunc, ratione tenure seu manerij de N. super T. cum pertinen̄ in Com̃ S. predict', pontem illũ facere, reficere, & emendare debet, & q̃ eadem dña regina & omnes pgenitores sui, ac omnes alij quorum stat' eadem dña regina modo habet in eod̃ manerio de N. sup T. cum ptin' pontem illũ facere, reparare, & emẽdare consueuerunt, de tempore cuius contr memoria hominum non existit, toties quoties necesse fuit. In cuius &c. Sect. 157

rite, 6. Mod. 255.

2 Inst. 700. Co. Iurd. 358. Style, 400.

An Inditment against one for pulling downe of a stone bridge in a towne ouer which the Inhabitants of the same towne haue vsed to trauaile time out of minde.

Iura-

Sect.158 IVratos &c. q cum a tempore quo memoria hominum in contrarium non existit, fuit quidam pons lapideus in W. in Com̃ E. p̃d voc' A. per & trans quem quidem pontẽ omnes inhabitant villę de W. p̃d in Com̃ p̃d' per temp' pred' habere consueuerunt ingressum et egressum ad quẽdam locum vocatum H. ꝑ negotijs eorund' faciend', tamen I.F. de &c. tali die &c. et anno &c. vi et armis &c. præs. pontem effodit, ꝑstrauit, & spoliauit, et omnes lapid' eiusd' pontis abinde asportauit et abcariauit, p q inhabitant ibid' ingressũ et egressũ ad p̃d' locũ ꝑ p̃d negot' suis faciend' habere non possunt, et alia enormia per eum tunc & ibid' facta sunt ad graue et commune nocument' p̃d' vicinorũ ibid' et contra pacem &c.

For nusance in the Queenes high way, by inclosing of part of the way.

Sect.159 INquiratur ꝑ domina Regina, si E.S. nuper de W. in Com̃ W. p̃d' gen̄ secundo die Maij &c. partẽ cuiusdam viæ regiæ in W. in Com̃ pred' ducent a W. pred' vsque ad S. in eodem Com̃ viz. a W. pred' vsque ad quandam foueam in S pred' in pred' Com̃ W. vocat' le common pit, in eadem via existentem, cum sepe & fossa inclusit et obstruit in eand' viam Regiam sic inclus. à pred' secundo die Maij, vsque diem captionis hui' inquisitionis, in pasturam conuertebat, & adhuc custodit, in malum & pernitiosum exemplum aliorum, & ad graue damnum & commune nocumentum omnium ligeorum subditorum dicte domine Regine ibidem ꝑpe inhabitantium, quorum interest illac transire, ac cõtra formam diuersorum statutorum in huiusmodi casu edit' & ꝑuis. ac contra pacem dictæ domine Regine &c

S. 347.

For Periury in a deposition before Commissioners by Commission out of the Court of Wards.

Sect.160 IVf presentant ꝑ domina Regina, Quod F.E. de G. in Comit' pred' Taylor 24. die Iulij, Anno &c. apud M. in Comitatu E. prædict', coram A.B.C.D. & E.F. Armigeris, Commissionarijs virtute Breuis dicte domine Reginæ de Commissione prædictis A.B.C.D. & E.F. directi, & extra Curiam Wardorũ & liberationum dictæ Domine Regine apud Westmonasterium in Comitatu Middl', preantea emanantis pro eximinatione quorumcunque testium, tam ex parte cuiusdam I.L. de M. prædicta, in Comitatu E. predict' Weauer querentis, quam ex parte H.M. de N. in dicto Comitatu E. yeoman, defendentis, in quadam causa (siue materia) inter ipsos I.L. & H.M. tunc in dicta Curia Wardorum & liberationum controuersa, & ibidem dependente in variantia pro titulo vnius messuagij cum pertinentijs in M. predict' in

dicto

dicto comitatu E. ꝑsonaliꝫ constitutus, Ac tunc & ibidem existens testis productus ꝑ ꝑdictum I.L. ad testificandum & deponendum in causa ꝑd, ex parte ipsius I.L. & iuratus per Commissionarios prædictos, ad veritaꝫ dicendam sup articulis interrogatorijs ei per dictos Commissionarios adtunc & ibidem ministrandis, septim Articulo Interrogatorio ei adtunc & ibidem per dictos Commissionarios ex parte ꝑd' I.L. ministrato dixit, & super sacramentum suum ꝑdict' affirmauit, & deposuit, prout in hijs Anglicis verbis immediatè sequitur, viz. To the seuenth Interrogatory he saith by vertue of the said oath, that the said messuage was neuer occupied by the said H.M. the defendant, ꝓut ꝑ dictam depositionem ꝑd E.F. inter alia per ꝑfatos Commissionarios in dictam curiam Wardorum & liberationum certificatam & missam, ac ibidem de recordo adhuc remanentem, plenè apparet: vbi reuera & in facto, dictum messuagium diu occupatum fuit ꝑ prænominaꝫ H.M. defendentem. Et sic, idem E.F. dicto viceſimo quarto die Iunij, anno suprad apud M ꝑd' in dicto com E. coram prænominatis A.B.C.D. & E.F. (Commissionarijs dictę dom reg' sic vt præfertur existentibus) voluntariè, & corruptè, periurium commisit voluntarium & corruptum, contra form diuers. statutorum in huiusmodi casu prouisorum & ędit orum.

For Periurie in a depoſition, before Commiſſioners by Commiſſion out of the Chauncerie vpon the ſtatute of anno 5. *of Queene Eliz.*

IVraꝫ &c. ꝑsentant, quod W.R. 24. die &c. apud A. in com E. coram I. K. & T.S. armig' & F.T. gener existent Commiss. virtute breuis domin̄æ reginæ de Commiss. sibi ac alijs direct', ac extra cur Cancellar dict domin' regin' nunc prætentea emanantis, ad examinationem diuersorum testium, ex parte cuiusdam W.C. quer, versus quendam T.N. defendent in quadam materia inter ipsos W. & T. tunc in cur Cancellar prędt apud Westmonaster in comitatu Midd tunc existen dependent in variane' & controuers. pro titulo diuersorum tenement cum pertinent vocat &c. in dicto comitatu Ebor ꝑsonaliter constitut ac existens testis productus per præfat W.C. ad deponend in causa prędict, ex parte ipsius W. quer, & iuratus ad veritatem dicend' de Interrogatorijs sibi per Commiss. prædict' adtunc ministrand 18. Interrogatorio sibi per prænomin. Commiss. adtunc & ibidem ex parte prædict W.C. ministrat super sacramentum suum dixit & deposuit modo & forma, prout in Anglic' verbis sequitur, viz. to the xviij. he saith &c. recitando verbatim depositionem illam, prout per deposic' prędt W.R. inter alia per prænominaꝫ Commiss. in cur Cancellar prædt certificat, et ibidem de recordo remanen plene liquet, vbi reuera prędict' H,S. non caulauit &c. neque &c. negando effectum depositionis &c. prout prędict' W.R. falso

Sect. 161.

falso & corruptè depoſuit & iurauit. Per quod idem W. R. præd' 23. die &c. anno 19. ſupradc apud A. p̄d in dicto comitatu E. coram prefat I.K.T.D. & F.T. Commiſſ. virtute breuis dominæ reg' eis directi tunc exiſtentibus, voluntariè & corruptè commiſit periurium voluntarium & corruptum, in contemptum dictæ dominæ reg', & contra formam ſtatut in Parliamento dictę dominę reginę tento anno regni ſui quinto in huiuſmodi caſu prouiſi & ęditi, ac ad graue damnum præd' T.N.

For taking of Pheſants and Partridges with nets and other engins in another mans freehold without licence, contrary to the Statute of Anno 11.H.7.

Sect.162 IVratores pro domin' regina præſentant, quod W.G. de S. in dict comitatu E. Laboyer, circiter horam decimã ante meridiem viceſimi diei Auguſti, anno regni dict dominę noſtr Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybern' regin', fidei defenſoris &c. Trieeſimo quarto, in quodam loco infra paroch' de S. prædict in com̃ E. præd' (vocat vulgariter the Wheat field) qui quidam locus tunc fuit, & adhuc eſt liberum tenementum A.B. de S. p̄d in dicto comitatu E. genet (nec vnquam fuit in, aut de warrenna ipſius W. G. propria) duos phaſianos, & decem perdices, cum quibuſdam reticulis, & alijs ingenijs (valoris duorum ſolidorum) tunc ibidem cepit, occidit, & aſportauit, ſine aliquibus aſſenſu, aggreamento, aut ſpeciali licentia dicti A.B. in hac parte habitis aut obtentis: In dictæ domin' regin' nunc contemptum, ac contra formam cuiuſd ſtatuti in Parliamento domini Henr nuper regis Angliæ 7. tento anno regni ſui vndecimo, in huiuſmodi caſu prouiſi & æditi.

For murder by wilfull poiſoning with herbes in pottage vpon the Statute of Anno 1. Ed.6.

Sect.163. IVratores pro domina regina præſentant, quod T.H. de C. in comitatu E. prędict' Yeoman, ſecundo die Dec', anno regni dictæ dom̃ noſtr Elizab. Dei gratia Angliæ, Franc', et Hyber̃ regiñ, fidei defenſoris &c. 36. apud C. præd' in comitatu E. præd', in domo manſionali ibidem cuiuſdam W.B. nuper de C. p̄d in dicto comit E. Yeoman, ex malitia ſua prepenſa & prædogitata, voluntar & felonicè porrexit, ac dedit in catillo quodam eidem W. B. ad edendum, quedam olera (Anglice vocata Pottage) ex cicuta venenoſſima, & alijs herbis virulentis confecta & compoſita, quæ quidem olera prædictus W. B. tunc ibidem cum cocleari (quod in manu ſua dextra tenuit) comedit, vnde prædictus W. B. ſtatim poſtea ægrotabat, ac à prædicto ſecundo die, Anno ſupradicto, in dicta domo ſua apud C. præd languebat, vſque ſextum diem dict menſis

menſis Decembris, anno ſupradicto, quo quidem ſexto die, anno ſupradicto, p̄d̄ W.B. ex dict̄ eſu olerum p̄dict̄or̄, in dicta domo ſua apud C. pred̄ in dicto com' E. interijt. Et ſic Iuratores p̄d̄ preſentant, quod pred̄ T.H. prænominatum W.B. apud C. prædictam in com' E. p̄d̄, modo et forma ſupr̄d̄, ex malitia ſua præcogitata, voluntarie et felonice, veneno p̄d̄ interfecit ac murdrauit, contra pacem dict̄ę domin' regin' nunc, ac contra formam ſtatuti in parliamento domini Edwardi nuper regis Angliæ ſexto (tento, apud Weſt. in com' Midd̄, anno regni ſui primo) in huiuſmodi caſu prouiſi ac ædit̄.

For murder by wilfull poyſoning of one in potion.

IVratores pro dn̄a Regina preſentant, quod H. R. nuper de C. in com̄ E. Yeoman, x. die Octob. anno &c. Deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeduct' ex malicia ſua p̄cogitat̄, quendā R. F. in pace Dei et dict̄ dn̄ę regin' exiſten' apud C. p̄d̄, in com' E. p̄d̄ ad bibend̄ p̄textu amoris et amicitiæ inuitauit, et eidem R. F. ad tunc et ibidē potionem quandam veneno intermixtam et intoxicat̄ felonice dedit, quam quidem potionem p̄d̄ R. F. ex inſtigatione et prouocatione dict̄ H. ad tunc et ibidem accepit, et eandē potionem ſuper illud immediate bibebat & exhauſit, ratione cuius dict' R. F. immediate poſt potionem p̄d̄ ſic exhauſtum, morbo corrept̄ fuit, ac a p̄d̄. 10. die Octob. anno ſupr̄d̄, vſque quartū diem Feb. &c. apud C. pred' in p̄d̄ com' E. languebat, quo quidē 4. die Feb. anno 8. ſuprad', pred̄ R. F. ex potione et intoxicatione pred', apud C. pred' in com' E. pred' obijt. Et ſic pred' R. H. prefat. R. F. apud C. pred' in com' pred', modo et forma ſupradict̄is cū potione prædict' veneno intermixta & intoxicata felonice interfecit et murdrauit, contra pacem dict̄ę dominæ reginæ nunc, et contra formam ſtatuti inde in huiuſmodi caſu ædit̄i et prouiſi. Sect. 164

For murder by wilfull poyſoning vpon the ſtatute of Anno 1. Ed. 6. *wherein wherein the ſtatute is recited.*

IVrator̄ preſentant, quod cum in ſtatuto in parliam̄to d̄ni E. nup reg' Angliæ ſext̄ apud Weſt. in com' Midd', anno regni ſui primo, tento, ædit̄ inter al' inact̄it̄ exiſtat authoritate eiuſdē, quod omnis voluntar̄ interfectio per venenum Anglice poyſoninḡ, alicuius perſonæ ſiue perſonarum, quæ ad aliquod temp' extunc impoſterum facta, ꝑpetrata, ſiue cōmiſſa foret, adiudicaretur, haberetur & exiſtimaretur voluntar̄ murdrum de malicia p̄penſa, q̄que offenſores in ea parte, eorum coadiutores abbettatores, procutatores, et cōſiliator̄ ſuſtinerēt mortem et forisfact̄ in quolibet reſpect̄, vt in alijs caſib' volūt' murdri de malic' p̄penſa', put in eodem Sect. 165

eodem ſtatuto plene liquet, Quidam tamen A. B. nuper de C. in comit̃ E. Laborer, ſtatut̃ p̃d & pœn̄ in eodem content̃ parui pendens, neque timor dei præ oculis ſuis habens, viceſimo die Ianuar. anno &c. apud R. pred̃, in p̃d comitatu E. ex malicia ſua præcogitata, quendam E. L. voluntarie et felonice, per venenum interfecit et murdrauit, cont̃ pac' dict̃æ dn̄æ regin̄, coronam & dignitatem ſuas, ac cont̃, formam ſtatuti p̃d &c.

For Pety treaſon againſt the wife for poyſoning her husband, by putting Arſenicke and Roſegree in his drinke.

Sect. 166

IVratores &c. quod A. B. de &c. vid̃, nuper vxor I. B. de F. præd̃ &c. contra debitum matrimonij vinculum ac zelum & amorem quem eadem A. B. erga p̃d I. B. nuper virum ſuum gerere deberet, diabolico inſtinctu ducta, ex malicia ſua p̃cogitata, machinans, et intendens eundem I. B. nuper virum ſuum vita ſua priuare, ac ipſum felonice & proditorie murdrare xj. die I. &c. apud &c. felonice et proditorie poſuit in potu ipſius I. B. adtunc viri ſui, quoddam venenum mortiferum vocat̃ Arſenick et Roſegre, ac potum illum ſic venenatum felonice et proditorie adtunc & ibidem pred̃ I. B. dedit et miniſtrauit bibend̄, qui quidem I. B. nihil fraudis aut doli verſus p̃d̃. A. inde ſuſpiciens, potum illum ſic venenat̃ et intoxicatum adtunc et ibid̃ per inſtigation̄ & prouocation̄ dict' A. bibit: per quod idem I. B. ad eodem xj. die I. &c. vſque 22. diem I. tunc proxim' ſequent̃ languebat. Quo quidem 22. die anno &c. idem I. B. de veneno illo apud F. &c. obijt. Et ſic dicunt Iur̃ p̃d quod A. præd̃ die & anno dict' I. B. adtunc verum ſuum apud &c. felonice et proditorie intoxicauit et murdr̃, contra pacem dict̃æ dom' reginæ &c.

For the breaking of priſon, beeing impriſoned vpon ſuſpition of the death of a man in the Queens gaole, vnder the cuſtody of the Conſtable of a hundred.

Sect. 167.

INquiratur pro domin̄ regina, ſi W. H. de C. in com' E. Yeoman, vnus Cõſtabulariõr dict' dn̄æ r̃ñę hũdredi ſui de T. in com' E. p̃d (in quo quid̃ hundred̃ ſita eſt villa de C. p̃d) quend̃ R. B. nup de C. p̃d in com' E. p̃d Tailor, 20. die Sept', anno regni dict̃æ dn̄æ noſtræ Eliz. dei gratia Anglæ, Franciæ, & Hyberniæ reg' fidei defenſor̃ &c. Triceſimo quinto, apud C. pred̃ in dict' com' E. p ſuſpic' cuiuſd̃ felon' (viz. p morte cuiuſd̃ M. N. apud H. in com' E. p̃d felon̄ interfecti) cepit & arreſtauit: Et ea de cauſa idē R. B. ſub cuſtod̃ dicti W. H. Conſtabularij, in priſon̄ dict̃æ dn̄æ reg' apud C. p̃d in com' E. p̃d, poſtea ſcilet dicto viceſimo die Septemb. anno ſupradicto fortiter, et duriter detent' fuerit, Ac idem R. B. tunc ibid̃ ſic detentus, poſtea (viz. dictis die et anno) apud C. pred̃ in com' E. p̃d, vi et armis p̃d priſon' ibid̃ felon̄ fregit, ac exit̃ cuſtod̃ dicti Cõſtabul' tunc et ibid̃, contra eius voluntat̃ felon̄ euaſit, cont̃ pac' dict̃ę

dn̄æ

dominæ Reginæ noſtræ nunc, coronam, & dignitatem ſuas, necnon contra formam ſtatuti in huiuſmodi caſu prouiſi ac æditi.

For pulling of Sheepe.

INquiratur pro dña Regina, ſi N.H. nuper de O. in Com'E. Labozer, 13. die Maij anno &c. clauſum cuiuſdam H.C. apud C. ꝑd in Comit E. ꝑd fregit & intrauit, ac lanam quatuor ouium valor 4.s. de bonis et catall' dict' H.C. apud O. ꝑd in Com' E. ꝑd a corporibus ouium ꝑd adtunc & ibidem exiſten' expilabat, & ipſam lanam ſic euulſam, felonice cepit & aſportauit, contra pacem dictæ dominæ Reginæ &c. Sect. 168

For the felonius taking of a purſe, and money and gold in it, from the perſon of a man.

INquiratur pro dña Regina, ſi N.H. nuper de S. in Com M. Piller, 16. die April', anno &c. vi & armis, viz. &c. in quendam Ed.R. apud C. in Com' M. ꝑd inſultum fecit, & vnum burſam valor 2.d. & 9.s. in pecunijs numeratis, & vnam coron Gallicam voc' a ffrench crowne, valor 6.s. in burſa ꝑd, adtunc & ibid' exiſt', de bonis & pecun ꝑd E. a p-ſona ipſius E. clam & ſine noticio ipſius E. adtunc & ibid felon' cepit & aſportauit, contra pacem dict' dñç reg. &c. ac contra formam ſtatuti &c. Sect. 169

For Purſe-picking.

IVratores pro dña Regina preſentant, quod I.S. nuper de A. in Com E. Maylor, 6. die Iulij, anno Reg. dictæ dominæ noſtræ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. 34. apud A. ꝑd in Comitatu E. ꝑd, in quodam loco ibidem (vocato the Elmes) vi & armis in quendam R.M. de A. ꝑd in Comitatu E. ꝑd Grocer, inſultum fecit, & viginti ſolidos in pecunijs numeratis in crumena ipſius R. M. tunc ibidem exiſtentes inuentos, de ꝑd crumena ipſius R.M. tunc & ibidem a perſon ipſius R.M. (clam & inſciente ipſo R.M.) felonice cepit & aſportauit, contra pacem dictæ dominæ Reginę, ac contra coron, & dignitatem ſuas. Sect. 170

For vnlawfull Purueyance of three Weathers without authoritie.

IVratores pro domina Regina preſentant, quod primo die Iulij. anno regni dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. 35. quidam H. W. nuper de G. in Comitatu C. Tippler, apud C. in Comitatu C. ꝑd prę ſeferens, & aſſe- Sect. 171.

rensse esse vnũ tx prouisoribus & emptoribus hospitij dict' dñe Regine dict' 1. die, anno supradicto (quo quidem tempore nullum ostendit, aut secum habuit warrantum sub magno aut paruo Sigillo dict' dñe regine) apud C. p̃d in Com̃ C. p̃d, tres oues castratos (Anglice vocatas Weathers) precij viginti solidorum, de bonis & catallis I.S. de C. p̃d in dicto Com' C. Yeoman, tunc ibidem existen' inuentas, sub colore purueyancię pro dicto hospitio, illegitime ac felonice cepit & abduxit: Contra pac' dict' dñe Reg. ac cont̃ form' diũsor̃ statut̃ in hm̃di casu prouis. & ędict'.

For the Rape of a maide vpon the Statute of Anno 13. E. 1. the which is recited.

Sect. 172. IVratores presentant, quod cum in Statut̃ in Parliamento dñi E. nuper reg. Angl' primo, anno regn̄ sui 13. tent̃, ædit̃, inter alia prouisum sit, quod si homo rapuerit vxor̃, ancillam, siue aliquam fœmin̄ vbi non consentierint nec antea neque postea, habeat iudicium de vita & membro, prout in eodem statuto plenius continetur. Quidam I.B. nuper de A. &c. Yeoman, statutum p̃d &c. tali die & An. Ioh. O. filiam H.O. ancillam apud W. in Com' E. p̃d, cont̃ volunt̃ suam felon̄ rapuit, cont̃ pac' dict' dñe reg. &c. ac contra formam stat̃ p̃d &ç.

For the Rape of a childe vnder the age of tenne yeares, vpon the Statute of Anno 18. of the Queene.

Sect. 173. IVratores pro dña Regina presentant, quod G. D. de B. in Com̃ E. Waterman, 3. die Iulij, anno Reg. dictæ dominæ nostrę Elię. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. 34. apud B. p̃d in dicto Comitatu E. (in domo mansionali ibidem cuiusdam A.S. Yoxteler) vi & armis in quendam R.M. de A. p̃d in Comitatu E. p̃nellã intra ętatem decem annor̃ tunc existen̄t, insultum fecit, ac tunc & ibidem eandem M.N. felonice ac carnaliter cognouit, ac eadem M. N. nequiter abusus est, contra pacem dict' dñe Reg. nunc, ac cont̃ form' statuti in pliamenro dict' dñe Reg. nunc (tento apud W. in Com' Middlesexiæ, anno dict' reg. sui 18.) in hm̃di casu prouis. ac ædit̃.

For the Rape of a made of the age of sixteene yeares, vpon the Statute of Anno 13. Ed. 1.

Sect. 174. IVratores presentant, pro dña Reg. q̃ B.C. de E. in Com' E. Tauerner, 5. die Octobris, anno reg. dict' dñe nr̃e Elię. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. 34. apud C. p̃d in dict' Com' E. quodam ibidem loco (voc' le bowze) vi & armis in quandam

A.K.

A K. de E. prædᵒ in comitatu E. predicto, virginem ætatis sexdecim annorum, tunc et ibidem in pace Dei & dictæ dominæ reginæ existentem, insultum fecit, ac tunc et ibidᵉᵐ eandem A. contra voluntatem ipsius A. felonice et rapuit, & carnaliter cognouit, contra pacem dictæ dominæ reginæ nunc, ac contra formam cuiusdam statuti in parliamento domini Edwardi olim regis Angliæ primi, tento apud West. in comitatu Middᵉᵐ anno regni sui tertio decimo, in huiusmodi casu prouisi et edicti.

For taking away a maide of the age of eleuen yeares, vpon the statute of Anno 3. E. 1. in which the statute is recited.

I Vratores præsentant, quod cum in statuto in parliamento dñi E. nup regis Angl' primi, anno regni sui tertio tent', edit', inter cæter' ordinat', existit, quod nullus rapiat neque capiat ancillam infra etatem existent' p assensum suum, vel sine assensu suo, neque dictam ancillam, nec aliam feminam contra voluntatem suam, & si aliquis hoc fecerit, ad sectam illius qui hoc sequitur infra quadraginta dies, dominus Rex sibi faciet communem iusticiam, et si nullus incipiat sectam in hac parte infra xl. dies, domiñ rex sequetur, & illi qui inuent' fuerint culpabiles, habeant prisonam duorum annorum, et postmodum redimantur ad voluntatem domini regis prout in eodem statuto plenius continetur. Quidã I. B. nuper de A. &c. statutum prædᵒ minime ponderans &c. I. O. filiam H. O. ancillam, & infra ætatem existentem, viz. ætatis xj. annorum quadraginta diebus elapsis apud W. tertio die S. anno &c. violenter cepit & rapuit, contra formam statut' prædᵒ, ac contra pacem &c. Sect. 175

For a Rescous of a woman arrested (amongst diuers others) by the Sheriffes officers vpon a warrant from a iustice of the peace in their generall Sessions to put in surety to appeare before them at the next Sessions, and in the meane time to be of good behauiour, and for the hurting of one of the said officers with an arrowe.

I Vratores pro dña regina pſentant, quod cum H. C. R. H. & I. B. arm' ac socij sui Iust' dictæ dñæ reg' ad pacem in com' E. cõseruand', necnõ ad diuersa felonũ trñs & alia maleftᵃ in eodẽ comit' ppetrat', audiend' et terminand' assignã, in generali sessione pacia tent' apud T. in comit' E. pdᵗ die Martis pxim' post festum S. Trinitatis, anno &c. mandauer' vic' eiusdem comitat' E. necnon et corũ cuilibet, q̃ non omitterent ppt' aliquã libertatẽ comit' E. pdᵗ, quin eam ingrederent' seu vnus eorum ingredet', et attachiarent seu vnus eorum attachiaret corpora O. W. nuper de W. in comit' T. Laborer, et A. I. de W. prædᵒ in comit' E. prædᵒ Seruant, et eos corã Iusticiar' prædᵒ, vel vno socior' suor' Iustic' pacis in comitatu E. prædict' venir' compelleret, seu eorum vnus venire compelleret, ad Sect. 176

inueniendum sufficienter manucaptione, quod ipsi personaliter comparerent coram dict' in Iustic' & socijs suis preꝯ, ad proxim' sessionem pacis in com' E. pred' tenend'. Et quod interim se bene gererent erga dictã dñam reginam & cunctam populum suum, secundum formam statuti in hmdi casu ꝛdit' & prouis. Cumque ꝓfat' G. L. & I. R. virtute mandat' ꝓdict' arrestassent ꝓd' Agñ I. & eum coram Iustic' prædict' vt cotũ vno ducer' voluissent, prout mandatum ꝓdict' Iustic' prædict' in se exigebat, quidam tamen A. B. de W. predict' in com' E. pred' genos', & R. W. de W. predict' in comitatu E. pred' yeoman, legis dictæ dñæ regĩ minime verent, ex malicia sua preꝯcogitat' in contemptum dictæ dñæ reginæ, legũ suarum, ac mandati Iustic' pred', x. die Maij, anno &c. apud W. prædict' in comitatu E. ꝓdict' riotose & illicite assemblati et congregati, in præfat' G. L. et I. R. in pace Dei et dictę dominæ reg' adtunc et ibidem existen' insult' & affraiam fecer', ac præfat' R. W. diuers' sagittas Angl' voc' arrowes, versus præfat' G. L. & I. R. adtunc et ibidem sagittabat, ea intentione, vt preꝯ G. L. et I. R. vulnerar', ac predict' Agnetem in custod' eorund' G. et I. rescuss', ac præfat. R. W. cum vna sagitt' valor' vnius denar' quam adtunc & ibidem ipse iaculabat et mittebat versus preꝯ I. R. ẽ quodam arcu, Angl' voc' a Long bowe, valor' ij. s. quem in manu sua leua adtunc et ibid' tenuit, percussit, ac crus dextrum eiusdem I. R. adtunc et ibidem perforabat & transforabat, dans eidem I. R. adtunc ibid' in crure suo pred', vnam plagam in profunditate trium policium, ac idem R. W. cum vna al' sagitta valor' vnius denar' quam adtunc et ibidem iaculabat et mittebat versus pred' G. L. ẽ predicto arcu quẽ in manu sua sinistra ibidem R. W. adtunc et ibidem tenuit, prefat. G. L. percussit, dans eidem G. adtunc et ibidem in infima parte sinistri cruris eiusdem G. vnã plegam in longitudine dimidij policis, ac in profunditate vsque ad ossa pred' cruris eiusdem G. Ac preterea pref. A. B. et R. W. Agnetem I. adtunc et ibidem a custod' dictorum G. L. et I. R. vi et armis rescusser', atque eandem Agnetem I. adtunc et ibidem ad largum ire et euadere fecer', contra pacem &c.

Of high treason for rebellious insurrections and the aiders and comforters.

Sect. 177 INquirator pro dño rege, si Richard M. nuper de S. in com' K. ac alij falsi proditores et inimici metuendissimi ac Christianissimi principis E. regis Angliæ quarti post conquestum Angl', ignot', die & anno &c. apud Sanct' Elins in insula Vectæ in com' South. se insimul congregauer' tunc & ibidẽ vi & armis, viz. gladijs &c. Insurrexerunt quoque ad comfortand' et supportand', I. nup' comit' W. falsum ꝓditor' et inimicum dñi reg' nunc, apud W. de diuersis aliis ꝓditionẽ erga ipm reg' infra regn' suũ Angl' fact', cõuict', et attinct', ideoque R. W. & alij ꝓditor' & inimici

præ-

ꝑd, ꝑd I. nuper Comitem W. & complices ſuos, vt falſi proditor, contra
legiantiæ ſuę debitum, falſo & proditorie, adtunc & ibid ad premiſſa fa-
ciend conuenet ac conſortauer, & tunc & ibid eidem I. nuper Com' W.
& complicibus ſuis fuerunt adherentes, ſcientes ipſum I. nuper Com W.
de proditionibus ſuis ꝑd attinct' & conuict', contra ligeantiam ſuam &c.

Another of high treaſon for rebellions inſurrections, and the aydors and comforters.

INquiſ pro dño rege, ſi W. L. nuper de P. in Com M. Marchant, G. B.
nuper de &c. ac quampluſ alij falſi proditor, rebelles, & inimici ignoti Sect. 178
Chriſtianiſſimi Principis E. regis Angliæ 4. poſt conqueſtum, ex aſſenſu
voluntar & ꝓpoſito diuerſor alior falſor proditor & inimicor dñi regis,
viz. I. nuper Com W. & I. nuper Com K. qui nuper authoriate Parlia-
menti dicti regis apud Weſtm &c. tent, de diuerſis proditionibus erga
dict' reg. infra regn Angl' factis conuict' & attinct' exiſt' 4. die Martiſ,
& die Mercurij, & dieb' Sabbati & dñic' proxim poſt feſt' Pentecoſtes
& diuſis dieb' antea & poſtea, anno regni dicti dñi regis 3. apud P. in
Com M. ꝑd inſimul ſe congregauer, & inſe communicauer, quo modo
ipſi pref. I. nuper Com W. & complic' ſuos cum eis adtunc & ibidem
ſuper mare in nauib' ſuis (vt falſi proditores) exiſtentes, per nimiam po-
teſtat ꝑd I. nuper Com W. ac pref. Com K. & aliorum falſor proditor &
inimicor dict' dñi regis, de eor couina, & falſo propoſito exiſt', vſq; regn
Angl' potuerunt producere: & dict' regem & dominos ſuos, tam ſpiritua-
les quam temporales per totum poſſe ſuum, de regia poteſtate ſua, et gu-
bernatione regni ꝑd, per nimiam doteſtat penitus depriuar, & guber-
nationem, regni ꝑd ſuper ſe accipere & retinere proponent, credebaq; ad-
tunc & ibid ꝑd W. & G. & alij falſi proditores & rebelles ꝑd ꝙ maxi-
ma pars totius regn Angl' cum eiſd falſis proditorib' in falſis opinionib'
ſuis ſtare voluiſſet, & ad illud falſum & nefand propoſitum ſuum finaliꝫ
pimplend ꝑd W. & G. & alijs falſi proditores & rebelles ꝑd dict' die
& anno apud P. ꝑd in dict' Com M. vi & armis, ſc. gladijs, gleuijs, ar-
cubus, ſagittis, loricis, duploidib' defenſiuis, & alijs armaturis &c. inſur-
rexerunt, & ꝑd S. nup Com, in cibis potib' & alijs neceſſarijs erga dom Ayde.
regem falſo et proditor conſortauer, auxiliauer, et ſupportauerunt, et eiſd
nuper Com, vt falſi proditores conſt ligeantiæ ſuæ debit adtunc et ibid
ſuer adherentes, et cum eiſd Com naues ſuas ꝑd, (vt falſi proditores) ad
proditoria ſua propoſita ꝑd perimplend et perficiend, conſcenderunt
& in eis permanſerunt: ſcientes ipſos nuper Com in forma ꝑd ſic attinct
at conuinct', in final' deſtruct' dicti dñi reg. ac conſt ligeantiam ſuam &c.

For regrating of Corne in a Market.

Sect. 179. INquis. pro &c. si W.T. de N. in p̄d Com' E. & A.B. &c. 1. die &c. et quampluf al' dieb' antea & postea, fuer regrat mercat de D. in p̄d com' E. ac diūsa genēr grañ ad mercat p̄d per diuers. ligeos dict' dñæ reg. il'aduct̄, viz. x. quart frum' ad valenc' 6. l'. apud D. p̄d in p̄d Com' E. regrat, ad intention̄ q̄ idem frum' iter' venderent, ad graue damñ populi dict' dñæ reg. cont̄ form' diūsor' statut in hūmodi casu edit et prouis.

For regrating of Fish and Butter in a Market, and selling of it in the same Market.

Sect. 180 IVr. pro dña reg. presentant q̄ A.B. de C. in dict' Com' S. Perter, 20. die Iulij anno regni dict' dñæ nr̄æ Eliz. Dei gratia, Angliæ, Franciæ & Hiberniæ reg. fidei defensor &c. 34. apud C. p̄d in Com' E. p̄d in quodam mercat tunc ibidem tent̄ pro xl. s. monet̄ emit, regratauit, obtinuit, et nactus est in possession̄ et mañ suas, x. paria pisc' (Angl' dict tenne couple of Lings, et tria vasa butyri salsi Anglice voc' three firkins of salt butter) de quodam E.F. qui p̄d x. paria pisc', ac dict tria vasa butyri ad eund̄ mercat, vt ea adtunc ibid̄ vendet, adduxisset: et q̄ immed̄ postea, sc. dict 20. die anno sup̄d idem A.B. in dicto eodem pleno mercatu tunc ibid̄ apud C. p̄d, in dicto Com' E. tento, eodem die dicta paria piscium, ac butyri vasa, cuidam H.R. p̄ 30. s. legal' moner' dict' dñæ reg. huius regni sui Angl' illicite vendidit, in magnum reipub. damnum ac cont̄ form' diūsor' stat' huius reg. Ang. in hūmodi casu prouis. et editor.

For a Rescous of one in the Stocks for suspition of felonie.

Sect. 181 IVr. pro dña reg. presentant, q̄ 20. die Iunij, anno regni dict' dñæ nr̄æ Eliz. Dei gratia Angliæ, Franciæ, et Hiberniæ Reg. fidei defensoris &c. 34. quidam A.B. nuper de C. in Com̄ E. Glouer, apud C. p̄d in Com̄ E. p̄d captus est et arrestatus per E.F. de C. p̄d in Com̄ E. p̄d Yeoman, pro suspitione cuiusdam felonie, viz. vnius vaccæ ipsius E.F. per prefatum A.B. felonice (vt idem E.F. tunc asserebat) captæ et abductæ, et quod idem A.B. immediate postea traditus est per prefatum E.F. cuidam H.M. tunc Constabulario Hundredi de N. in Com̄ E. p̄d, in quo sita est villa de C. p̄d: qui quidem Constabularius in Com̄ E. p̄d, postea, viz. dicto 20. die Iunij, anno 34. supradicto, eundem A.B. in prisona in cippis ibidem posuit, ad eum saluo ibidem custodiendum, donec idem Constabularius parare posset auxilium ad ducendum eundem A.B. coram aliquo Iusticiariorum pacis dict̄ domin̄ Reginæ in Com̄

E.

E. p̄d, examinandum: Ac quod postea (sc. dicto 20. die &c. anno supradicto) quidem G.L. de C. p̄d in Com̄ E. p̄d Glouer, apud C. p̄d in dicto Com̄ E. vi et armis cippos p̄d effregit: ac eund A.B. tunc ibid ex. isten ex eisd' custodia, prisona, et cippis felonice cepit, eripuit et rese uſſit, ac ad largum ire et euadere permisit, contra pacem dict' d̄næ reginæ, coron', & dignitatem suas.

For giuing of a Liuerie.

IVt pro d̄na reg. presentant, q̄ T.B. de C. in Com̄ T. Armiger, 1. die Septembris, anno regni dict' d̄næ nr̄æ Eliz. Dei gratia, Angliæ, Franciæ, et Hiberniæ Reginæ, fidei defensoris &c. 34. apud C. p̄d in Com̄ E. p̄d, quasdam liberatas vesturæ, viz. cuidam A.B. de C. p̄d in Com̄ E. p̄d Yeoman, tres vlnas panni lanei, coloris veneti, precij 20.s. ei C.D. de B. in dict' Com̄ Yeoman, alias tres vlnas similis panni lanei, eorundē coloris et precij, ad duas seperales tunicas pro pref. A.B. et C.D. inde faciendas, dedit ac distribuit: vbi reuera pref. A.B. et C.D. aut eorum alter, nunquam fuerant, aut fuit domestici seruiens, aut domesticus seruiens, officiarij, siue officiarius, balliui siue balliuus, dicti T.B. aut de consilio ipsius T.B. in vna lege siue altera eruditi vel eruditus: In magnum dict' d̄nę reg. contemptum, ac contra formam diuersorum statutorum in huiusmodi casu antehac prouis. et edit. Sect. 182

For receiuing and vsing of a Liuerie.

IVt pro d̄na reg. presentant, q̄ A.B. de C. in Com̄ E. Yeoman, vnam liberatam panni, viz. tres vlnas panni lanei, coloris veneti (vocati Anglice Watchet) ad valentiam 20.s. ad tunicam inde sibi faciendam de T.B. de C. p̄d in Com̄ E. p̄d armig', apud C. p̄d in dicto Com̄ E. 1. die Augusti &c. recepit, et eadem tunica a dicto die 1. anno supradict' vsq; 3. diem mensis Septembris, anno supradicto apud C. p̄d, in Com̄ E. p̄d & alibi in diuersis locis infra Com̄ q̄d vsus est: vbi idem A.B. dicto tẽpore receptionis liberatæ p̄d, aut vnquam postea non fuit familiaris, officiarius, balliuus, aut de consilio dicti T.B. in vna lege aut altera eruditꝰ: In magnum dict' dom̄ reg. contempt, ac cont formam diuersorum statut in hūdi casu ante hac prouis. et editorum. Sect. 183

For

For vsing, receiuing, and vttering of Exercises, vpon the Statute of Anno 7. H. 4. and Anno 8. H. 6.

Sect. 184 IVſ dicunt, q̄ cum in ſtat dñi regis H. 4. nuper regis Angl', anno regni ſui 7. &c. ac in ſtat in parliamto dño H. 6. bonæ memoriæ, anno regni ſui 8. apud W. tent & edit, inter cetera continetur, q̄ non liceat alicui, cuiuſcunq; ſtatus, gradus, ſeu conditionis fuerit, dare aliquam libertatam veſtur vel capic' alic ui perſonæ, niſi tantummodo familiaribus, officiarijs, ballinis, et ſeruientibus ſuis, ac alijs hominibus de conſilio ſuo in vna lege ſeu altera eruditis, ſed pœna C.s. de terris & tenīs, bonis & catallis hūdi liberat dant, 54.s. de terris & tenīs, bonis & catallis hūdi liberat recipient ſiue vtent, toties, quoties aliqua liberat in contrarium ſtat p̄d, dat ſeu accepta fuerit, leuand: quidam tamen R.B. de C. in Com H. arm ſtat p̄d minime ponderans, quaſdam liberatas veſtur, viz. diuſas togas coloris ſtroſt meadow, quibuſdam L. de B. Yeoman, &c. S. C. de eodem Yeoman, qui nec ſunt nec vnquam fuerunt ſeruient offic', balliui, ſeu familiar ipſi' R.B. nec in lege vna ſeu altera aliqual' erud aut inſtruct', die &c. anno &c. apud &c. dedit & diſtribuit. Et p̄d I. et S. eaſd togas de p̄f: R. eiſd die, anno et loco, cont form ſtat p̄d recepet, et eiſd togis continue à p̄d die &c. vſq; &c. apud E. F. et S. vſi fuerunt, in contempt dñæ Reg. legiſq; ſuæ dedecus manifeſt', ac cont form ſtat p̄d &c.

For an affray made by diuers, at a generall Sessions of the Peace.

Sect. 185. IVratores pro Domina Regina preſentant, quod viceſimo noue die Decembris Anno regni dictæ dominæ nr̄æ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ Reginum, fidei defenſoris &c. Triceſimo quinto apud M. in Com G. tempore generalis Seſſionis pacis in predicto comitat tunc ibidem tent, & H.C. Milite & ſocijs ſuis Iuſticiar dictæ Dominæ Reginę ad pacem in dicto comitatu G. conſeruandam aſſignat, tunc ibidem exiſtentibus, & in plena curia ſedentibus, quidam A.B.C.D.E.F.G.H. & I.K. de S. in com G. p̄d generoſi, aggregatis ſibi nonnullis alijs pacis dict' dominę Reginæ perturbatoribus ignotis ad numerum xxx. hominum 6. & armis, viz. gladijs & pugionibus, armatis, illicite, routoſe, & riotoſe, ſeſe aſſemblauerunt, ac inter ſe inſultum & affraiam maximam tunc & ibidem fecerunt, ſece inuicem verberantes, & vulnerantes, in magnum terrorem tam dictorum Iuſticiariorum tunc ibidem in curia ſedentium, quam totius populi dictæ dominæ Reginæ ad dictam Seſſionem pacis tunc & ibidem conuenientis, ac contra pacem, coronam, & dignitatem dictæ Dominæ Reginæ nr̄æ.

Or

Or thus.

IVratores pro domina reg' preſentant, quod I. B. de R. in comitatu E. predicto yeoman, I. G. de eiſdem yeoman, W. B. de P. in comitatu E. prædicto yeoman, & T. K. de eiſdem yeoman, vndecimo die Ianuarij, anno regni reginæ Elizabethæ &c. tertio apud W. in comitatu E. prædict', tempor generalis Seſſionis pacis adtunc et ibidē tent, & Iuſtic' dictæ dom' reginæ, ad pacem in comitatu predic' conſeruand' aſſign' ibidē exiſtent, vi et armis viz. &c. illicite et riotoſe ſeſe aſſemblauer, & per inſtigationem & procurationem p̄dict' I. B. & W. B. inſultum et magnā affraiam adtunc & ibidem inuic' fecer, & commiſer in magnum timorē, tremorem, et perturbationem, tam prædict' Iuſticiar dictæ domin' reginæ adtunc et ibid' exiſten' quam totius populi & legeor ſubdit dictæ dominæ reg' in com' S. pred', adtunc et ibidem confluenc', contra formam et ordinationē p̄ Iuſtic' pred, adtunc & ibidē de pace gerend fact' in manifeſt' contempt dict' dom̄ regin', ac in iuſtic' ibidem exequend & adminiſtrand retardationē manifeſt, ac contra pacem dictæ dominæ Reginæ &c. Sect. 185

For a Riot in a Parke vpon the keeper of the Parke and his ſeruant, and for hurting the keepers ſeruant with an arrow.

INquirat pro dom' reg', ſi E. P. &c. H. P. &c. & R. B. &c. aggregat &c. riotoſ. & routoſ. & modo nouæ inſurrectionē, in conuenticulis illic', & modo guerrino arraiat, vi & armis, viz. &c. 30. die apud H. in com̄ E. p̄dic', in clauſum & parcum E. P. viduæ, ibidem ſeſe illicit, riotoſe & routoſe aſſemblauer, congregatum, & vniuer, ad pacem dictæ dominæ reginę diſturband, et adtunc & ibidem in quend A. D. gen' cuſtod' parci pred' & in I. B. famul' ipſius A. in pace Dei, et dictæ dominæ reg' exiſten' inſult fecer & pred' G. P. vnam ſagitt ē quod arcu tent quem idē G. P. in manū ſuis adtunc et ibid habuit & tenuit, ſagitt. Et eund' I. B. cū ſagitt predict', in pectore ſuo percuſſit, dans eidem I. B. vnam plagam profundit dimid' pollicis, et latitud' vnius pollicis, ita quod de vita ſua deſperabatur, & alia enor eis intulet ad graue dannum ipſorum A. & I. contra pacem dictæ dom' reginē, & contra formam ſtatuti in huiuſmodi caſu æditi & prouiſi. Sect. 186

For Riot in pulling downe of Hedges and Ditches.

INquirator pro domina Regina, ſi I. R. nuper de B. in comitatu prēd yeoman, R. A. nuper de G. in com' pred' Huſbandman, et I. B. nuper de D. in comitatu prēd Yeom, cum multis alijs malefactor eis aggregat, & pacis dictæ dominæ Reginæ perturbator ignot, modo guerrino arraiat, Sect. 187

arraiat, vnit, assemblat, et congregat, ad numerum quindecim personar per instigationem et procurationem prædict I. R. in magnum terrorem subditorum dictę dominæ reginæ, quarto die Maij, anno regni dominæ nostræ Elizabethæ, &c. secundo, vi & armis, viz. gladijs, falcastris, bipennis, baculis, et alijs armis inuasiuis, clausum R. B. armig' apud F. infra parochiam de B. in comitatu prædicto vocat the ꝑ. riotose fregerunt et intrauerunt, ac sepes et clauſ. prædt R. B. ad numerum sexcentorum pedum, adtunc & ibidem existent, lacerauerunt, itruper, et prostrauerunt, et fossat ibidem existent, adtunc & ibidem cum legonibus et bipallijs fodet, planauerunt, et impleuerunt, ad graue damnum ipsius R. B. contra formam diuersorum statutorum de Riotis et rotius, et alijs consuetudinibus illicitis inde nuper ædit et prouis. & contra pacem dictæ dominę reginæ &c.

An Indictment against many, for beating and imprisoning of the Sheriefes baylife, comming with the Sherifes Replevy to execute it, wherein the Replevy is recited.

Sect. 188

INquiratur pro Domina Regina, quod cum N. W. miles, comitatus E. per warr suum de liberatione sigillo suo sigillat, cuius datus est quinto die Aprilis, anno regni H. 8. vicesimo septimo, mandauit cuidam A. B. ballivo suo comit E. prædt, quod deliberaret, seu deliberari faceret cuidam T. H. aueria sua quæ W. S. nuper de S. in comitatu ꝑd E. genes, & P. B. nuper de eadem vill' et comitatu Clothier, cepissent et iniuste detinebant contra vad' & pleg' vt præfat Tho. dicebat: Et quod poneret ipsos W. et P. per vadios & saluos pleg' ita quod essent ad proximum comitat ipsius vicecomit apud I. in comit prædt, tenend, ad respondendum præfat T. H. de placit predicto: virtute cuius warrant, prædt A. die et anno supradictis apud S. prædict' requisiuit præfat. W. S. quod dimitteret sibi aueria prędicta, ad deliberandum eidem præfat. T. H. secundum vim, formam, et effectum warranti prędict, si prædt W. ac quidam H. C. nuper de S. in comit prædicto Husbandman, cum multis alijs ignotis ad numerum octo personarum, dicto quinto die Aprilis, anno supradicto apud S. predict' warrant prædict' minime ponderantes, vi & armis, viz. gladijs et baculis, in præf. A. insultum feçerunt, verberauerunt, vulnerauerunt, & maletractauerunt, ac ipsum A. adtunc et ibidem imprisonauerunt, & detinuerunt, per spacium quatuor dierum & quatuor noctium extunc prox' sequent, & adtunc et ibidem debitam executionem warranti prędicti contradixerunt, impediuerunt & disturbauerunt, ad graue damnum ipsius C. ac contra pacem dicti domini regis, coronam &c.

For

For a Riot in cutting and carrying away of Corne.

IVratorꝫ &c. quod A.B. & E.D. &c. aggregatis eis quampluribus alijs malefactoribꝰ, & pacis dñe reg. perturbatoribꝰ ignotis, ad numerꝫ 4. pſonarꝫ modo guerrino arraiatꝫ 3. die Febr. anno &c. vi & armis, viz. gladijs, baculis, & alijs armꝭ tam inuaſiuis quam defenſiuis apud F. in comꝫ Eborꝫ iniuſte, riotoſe, & routoſe, aſſemblauerꝫ, clauſumq; T.L. apud C. adtunc & ibidem iniuſte fregerunt, & intrauerꝫ, & 10. acrꝫ tritici, adtunc & ibꝺ creſcentꝫ valorꝫ &c. de bonis et catal' T.L. ꝑꝺ, adtunc et ibꝺ inuerꝫ iniuſt' riotoſe et routoſe meſſ. falcauerꝫ, et aſporꝫ, contꝫ pac' dict' dom̃ reg. &c. Sect. 189

For robbing of one in the high-way.

INquirat' pro domina Regina, Si A.B. de C. in Comitatu E. Mariner, ſexto die menſis Octobris, Anno regni dicte dom̃ noſtræ Elizabethæ Dei gratia Angl', Franc', et Hibern' Reg. fidei defenſor &c. Triceſimo quinto, vi et armis, viz. cum gladio & pugione (ad valentiam x.s.) diſtrictis, inter horas ſeptimam et octauam ante meridiem eiuſdem diei in alta via Regia iuxta quendam locum (vocat' Cads hill) infra paroch' de F. in Com̃ E. pred', in, & ſuper quendam I.S. de B. in Com' E. ꝑꝺ, petite chapman, tunc et ibidem in pace Dei, ac dict' domine Regine exiſtentem inſultũ fecit, & ipſum I.S. tunc et ibidem cum dict' gladio percuſſit et vulnerauit, ex 20.s. legal' monet' Angl' numerate in crumena ipſius I.S. exiſtentes, de bonis & catallis pred' I.S. adtunc & ibidem inuentos à perſona ipſius I.S. tunc et ibidem violenter et felonice cepit et aſporꝫ, in magnum pred' I.S. terrorem, ac contꝫ pacem dicte domiñ Reg. coron', et dignitatꝫ ſuas. Sect. 190

An Indictment againſt one for aſſalting and beating of two in the high-way to the intent to haue killed or robbed them.

INquiratur pro dñi reg. ſi H.B. nup de B. infra parochiam de W. in Com' E. Sadler, 17. die Nou. anno &c. circa horam ſextam poſt meridiem eiuſd' diei apud O. in Com' E. ꝑꝺ, in cõmuni via regia, in quod' loco ibid', voc' C. in quoſd' T.L. et W.W. adtunc et ibid' in pace Dei & dict' dñe reg. exiſten', inſultꝫ fecit, cum quoꝺ gladio precij 6.s. quem ipſe in manu ſua dextra adtunc & ibidꝫ habuit, & ipſos T.L. & W.W. grauiſ verberauit, vulnerꝫ, & malertractꝫ, ita qꝫ de vitijs ſuis deſperabatꝫ, ea intention' ad interficiendꝫ, vel ſaltꝫ ad ſpoliandꝫ ꝑꝺ T.L. & W.W. de bon' & pecuñ ſuis, & alia enormia eis adtunc & ibid' intulit, ad graue damnũ ꝑꝺ T.L. & W.W. ac contra pacem dict' dñi reg. &c. *vt ſupra.* Sect. 191

An

An Indictment against a Cooke, for an assaulting one by the high-way and taking from him his cloake.

Sect. 192 INquir̃ pro domin'reg. si I.G. nup de A. in Com' E. Cooke, 13. die Aprilis, anno &c. vi & armis &c. circa horam 4. post meridiem eiusdē diei, apud S. in Com̃ E. p̃d̃ in via regia ibid̃ in quend̃ I.W. adtunc & ibid̃ in pace Dei, & dict' dn̄e Reg. existen̄ insult̃ fecit, & ipsū Ioh. W. adtunc & ibid̃ in magno timore corporal' imposuit, & vnam clamid̃ vocat a cloake, coloris bleu, valor̃ 3.s. 4.d. in pecunijs numeratis, de donis & catall' dicti I.W. à p̃sona eiusd̃ Ioh. adtunc & ibid̃ inuenit felon'cepit & asport̃ cont̃ pac' dict' dn̄æ reg. coron̄, & dignitat̃ suas, *vt supra.*

An Indictment against one for making an assalt and affray, vpon one in the new Forest in the high way, and taking from him his purse and twenty shillings in it, and two gold rings of his fingers.

Sect. 193. IVrator̃ &c. quod A.B. nup de &c. 2. die I. &c. vi & armis, viz. &c. in noua forest' in quod̃ loco ibid̃ voc' I. in paroch' de F. in Com' p̃d̃, in quend̃ homin̄ ignot̃ in reg. via ibid̃ insult̃ & afraiā fecit, & eum intimor̃ corpor̃ adtūc & ibid̃ posuit, & 30.s. in pecun'num' in quad̃ crum̄ ibid̃ exist', & 2. annual' aurens valor̃ &c. sup digit̃ eiusd̃ hom̄ ignot̃ exist' de bon' & catall' eiusdem hom̄ ignot̃, a person̄ sua adtunc & ibidem felon̄ cepit & asportauit contra pacem &c.

Against a Rogue, a Vagabond, and against him which lodgeth and releeueth him.

Sect. 194. IVrator̃ pro dn̄i reg. presentant, q̄ A.B. nup de C. in Com' E. Laborer, ætatis 14. annor̃ & ampli⁹, ac corpore sano, valent, potente, atq; ad laborand' habili exist', nullam autem habens terram, nec vllam magist̃, nec aliqua vtens licita Merchandiza, arte, vel mysterio vnde sibi vict' parare posset, ac prorsus nesciens rationem reddere quo pacto vict' suū legitim̄ acquirit, 10. die Augusti, anno reg. dominæ n̄ræ Elīz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. 35. apud E. infra hundredum de W. in Com̃ E. p̃d̃, & multis alijs in locis dicti Com̃ E. hac illac passim vagatus est mendicans, ac per W.P. de E. p̃d̃, in dicto Com' E. Yeoman, Constabularium dicti hundredi de W. (in quo sita est villa de F. p̃d̃) postea, viz. 11. die dicti mensis Aug. anno su p̃d̃, apud E. p̃d̃ in Com' E. p̃d̃ inuent⁹ est vagans, & mendicans, ac p eund̃ Constabularium tunc ibid̃ deprehens⁹ est inordinate se gerens, tanquā vagabund⁹ & mendic⁹ valens contra pacem dict̃ dominę Reg. ac cont̃ form̄ diuersorum

forum Statutorum in diuersis Parliamentis dictæ dñæ reginæ tunc inde prouisorum et æditorum: & vlterius quod G. H. de E. pred', in com' E. Yeoman, sciens ꝓfat. A. B. modo et forma ꝓdictis vagantem et mendicant eundem tamen A. B. dicto decimo die anno supradicto in domo ipsius G. H. mansionali apud E. prædictam, in com' E. pred' hospitauit, et idem A. B. tunc et ibidem panem et potum voluntarie dedit, in contemptum dict' dominę regin', ac cont formam statutoꝝ ꝓd.

For breaking of a safe conduct granted by King H. 6. to Marchant strangers of Genoua.

I Vrat presentant, quod cum illustrissimus princeps Henrius rex Angliæ sextus post conquest', per literas suas patentes sub saluo conductu suo, concessit licentiam, & saluum conduct' suum dedit A. B. et D. & alijs alienigenis Mercatoribus de Genua, pro eis, et quadam naui voc' (a Catik) et pro bonis, rebus, et merchandisis suis, infra eandem nauem existen, de transitu portus South. in Anglia per mare, versus partes Genuæ transferend, et eadem absque aliquibus roberijs, fractioñ, impeditione, perturbatioñ, aut captione ipsorum alienigeñ, bonoꝝ, et merchand, siue mercimoniorum suorum predictorum, per aliquos ligeos dicti domini regis infra regnum dicti regis Angliæ, gaudend, sine impeditione ibidem: quidam H. et D. in comitatu E. armig', et alij fractores salui conductus domini Regis, de ligeis ipsius domini regis infra regnum Angl' existeñ ignoꝝ, vi & armis, viz. gladijs, arcubꝰ, sagittis, duploidibus defensiuis, et alijs armis defensibilibus armati saluũ conductum præd minime ver entes & spernentes, in prædictos A. B. & alios alienigenos adtunc et ibid insulẽ fecerunt, & ipsos verberauerunt, vulneraueꝝ, ac maletractaueꝝ, et ipsos in naui ꝓd, tanquam eorum prisonarios adtunc & ibidem ceperunt et custodiueꝝ, et eos in prisona sub custodꝝ sua, diu, viz. per 4. dies, quousque ijd' A. B. et D. et alij alienignæ in eadem naui existeñ, finem & redemptionem pro saluo conductu et deliberatione suis habend, pro sexcent marcis cum præf. H. et alijs prædict' fecissent, detinuerunt, contra saluum conductum domini Regis prædict', et contꝝ formam statuti in huiusmodi casu prouis. et ædit, ac contra dignitatem regiam, ac in malum exemplum aliorum &c. Sect. 195

For Sacrilege or Burglary in a Church in the night time, and the taking away of the Communion Cup.

I Vratores præsentant pro domina regina, quod A. B. de C. in comitatu E. prædic' Sailer, primo die Septembris, anno regni dictę dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ regiñ, fidei Sect. 196

fidei defensoris &c. Tricesimo quarto, vi et armis Eccles. paroch' de C. pred' in dict' com̃ E. felonice, et burglar fregit & intrauit noctanter, viz. inter horas decim' & vndecimã post meridiẽ eiusdem diei, ac vnum calicem argent̃ (Angl' voc' a Communion cup) ad valenc' xl s. de bonis et catall' parochianorũ de C. p̃d, adtunc existent̃ in eadẽ ecclesia, & tunc ibidẽ inuentũ feloñ cœpit, et asportauit, cont̃ pac' dict' dñæ regiñ nunc coronam & dignitatem suam.

For Sacriledge or robbery in a Church, and for the taking away of two Communion Cups, two Copes of blake velvet, and three Surplices.

Sect. 197. INquiratur &c. si I.M. nuper de D. in com' M. & R.H. nup de ead' D. p̃d, in comit' M. p̃d Yeoman, laici hom̃ (vt supra) 23. die &c. vi & armis, viz. gladijs, baculis, & cultellis eccles̃iã parochialem omniũ sanctorũ de E. apud E. in com' M. p̃d circa horã 12. in nocte eiusd' diei felon' fregerunt & intrauerunt, et duos calices de argent̃ et auro, duo vestimen̄ de nigro velvet vocat' Copes, tres pannos lineos voc' &c. ad valenc' &c. de bonis et ornament̃, de paioch' de E. pred' in com' M. p̃d, in custod' I.B. et T.P. custod', et gardian̄ eccl' p̃d adtunc ibid' inuent̃, feloñ furati fuerunt, ceperunt, et asportauer̃ contra pacem dict' dom' regis ac contra formam statuti eiusdem domini reg' ann' reg' sui 33. edit' et prouis. &c.

For slanderous writing and publishing of the same against the Queene.

Sect. 198 IVratores pro domin̄ regina præsentant, quod A.B. nup de C. in com' E. Clericus' 25. die Iulij, anno regni dictæ dñæ nostræ Eli. dei gratia Anglæ, Franciæ, & Hyberniæ reg' fidei defensor̃ &c. trisc̃esimo quarto, apud G. in com' E. p̃d, consulte et deliberate, cum malicios̃a intentione, & felon̄ quoddã scriptum Anglice edidit et publicauit, continens (inter alia) hanc falsam, seditiosam et scandalosam materiam, ad defamationem maiestatis dict' dñæ rñę nostr̃ nunc, viz. (reciting the seditious words thereof) cont̃ pac' dictę dñæ rñæ nr̃æ, & regalem maiestat̃ suam (cui ne in cogitat̃ quidẽ detrahere licet (ac cont̃ form' cuiusdam statut̃ in Parliam' dict' dñę rñæ nr̃æ nunc, tent' apud W. in com' Midd', anno regni sui vicesimo tertio, in huiusmodi casu prouis. ac ædit'.

An Indictment against a Schoolemaster being a recusant for teaching schoole in a widowes house without licence, and against the widow for keeping him in her house knowing him to be a Recusant.

Sect. 199 IVratores pro dña Regina præsentant, quod K.M. de I. in comitat' E. Scholæ magister, Secundo die Septembris, anno regni dictæ dñæ nr̃æ Eliz.

Elizabethæ, Dei gratia &c. triceſimo quarto, vſq; nunc, in domo manſionali cuiuſdam E. A. de I. p̄d in com' p̄d viduæ, auſus eſt, et preſumpſit erudire, & docere pueros dictæ E.A. ibid', cum idem K.M. durante tẽpor̄ p̄dicto non acceſſit, nec reſortauit ad eccl' parochial' de I. pred' in com' F. pred', nec ad vllam aliã capellam, aut vſualem locum communñ præcationñ, ſed ſe penitus p̄ totum temp' p̄d abinde abſentauit, nullam habens legitimam aut rationalem dictæ ſuę abſentiæ excuſationñ, et cum idem K.M. non eſt p̄ Epiſcopum Dioceſis loci illius, in quo ſita eſt p̄d eccleſia parochialis de I. pred', aut per eius loci ordinarium licentiatus, aut allocatus ad erudiend' et docend': In magnum dict̄ dñæ n̄ræ Reg. contemptum, ac contra formam ſtat̄, in Parliamento dict' dñæ reginæ, (tento apud Weſt. in com' Midd̄, anno regni ſui viceſimo tertio) in huiuſmodi caſu prouiſi et editi. Et qd præd' E.A. voluntarie in domo ſua pred' per totum tempus p̄d cuſtodiuit et manutenuit pref. K. M. modo et forma præd' erudientem & docentem, ſciens ipſum K. modo et forma pred', ſe abſentaſſe. In contemptum dictæ dñę reginæ, ac contr̄ formam ſtatuti predicti.

For words ſpoken againſt the Queene, vpon the ſtatute of Anno 23. *of herraigne.*

IVrat̄ pro domiñ Regina præſentant, quod infra tres menſes iam vltimo elapſos, viz. ſecundo die menſis Octobris, Anno reg. dominæ noſtrę Eliz, Dei gratia Angliç, Franciæ, et Hibern' regis, fidei defenſoris &c. triceſimo quinto, G.P. de A. in com' G. Labourer, in domo manſionali cuiuſdam R. S. infra parochiam de A. p̄d in coñ C. pred̄, ac in preſentia multorum dictæ dominę reginæ ſubditor̄ fide dign̄ tunc ibidẽ exiſtentium, conſulto, deliberate, ac cum malicioſa intentione ꝙd̄ uerſus dictam dominam noſtram nunc, ex imaginatione ipſius G. P. propria, hæc falſa, ſeditioſa, et ſcandaloſa dicta, ad ſcandalum et defamationem dictæ dominę reginę noſtræ, tunc et ibidẽ locutus eſt, vt in his Anglicis verbis ſequitur, viz. (Reciting the words themſelues) In magnum dict' dominæ Regiñ noſtræ nunc contemptum, ac contra pacẽ, coroñ et dignitat̄ ſuas, nec non contra formñ ſtatuti in Parliamento dictę doñ noſtr̄ nup tento apud Weſtñ in coñ Midd̄, anno regni ſui viceſimo tertio &c. Sect. 209

For ſlandering of a Noble man.

INquiratur pro domina Regina, ſi R. B. nuper de C. in com' D. ye̅man, Deum præ oculis ſuis non habens, ſed inſtigatione diabolic' ſeduct', ac ligeantiam ſuam erga dictam dominam nunc Elizabeth̄, Dei Sect. 210.

gratia &c. parui pendens, ac leges et statut̃ huius reg. Angl' minimè estimans, nec pœnam in eisd' content̃ aliqualiter verens, 16. die Maij, Anno regni domin' Elizab. &c. apud M. in Com̃ D. pred', malitiosè ex imaginatione sua ꝓpria, hæc falsa et scandalosa verba ac rumor̃ de magnatib' & proceribus huius regni Anglię subsequentia, prolocut̃ est, viz. that &c Quæ quidem omnia, quanquam falsa sint, vt vera retulit, & multa alia verba scandalosa adtunc et ibidem dixit & propalauit, contra pacẽ dict' dñæ reg. nunc, coroñ et dignitat̃ suas, et cont̃ formam diuersor̃ statutor̃ inde nuper ædit̃ et ꝓuis.

For shooting Haile-shot in a Hand-gunne, vpon the Statute of 2. *Ed.* 6. *wherein the statute is recited.*

Sect. 202. INquiratur ꝓ domina Reg. quod cum in statuto in Parliamento dñi E. nuper regis Angl' sexti apud Westm, Anno regni sui secund', inter alia ordinat̃ et inactitat̃ existit, ꝙ nulla persoñ subter gradũ dñi Parliamenti extunc deinceps sagittaret in aliquo tormento infra ciuitat̃ vel villam, ad aliquam volucr̃ siue aliam metam super eccles̃iã, domum, aut columbar', neque ꝙ aliqua ꝑsona sagittaret in aliquo loco, aliquam sagittatioñ voc' hailesshot, aut plur̃ glandines plũbeas, quam vnã vno tempore, sub pœna forisfact' dec' libr̃ ꝓ quolibet tempor̃ in quo ipse cont̃ statut̃ ꝑd' delinqueret, & imprisonament̃ corporis sui ꝙ spaciũ triũ mens. ꝓut in statut̃ ꝑd' pleni' continetur. Quidam tamen I. C. nup de B. in Com̃ E. yeoman, statutũ pred' minimè ponderans, nec pœn̄ in eod̃ ꝙntent̃ aliqualiter verens, 5. die Iunij &c. in quodam tormto Anglicè voc' a hand-gnn, onerat̃ puluere et glandinibus plũbeis, Angl' charged with powder & haile-shot, in quand' anat̃, adtunc in quadã palud' in cõmuni campo voc' ſ̃ etherfield de B. ꝑd' in Com̃ E. ꝑd' existent̃, sagittauit et exonerauit, Angl' discharged, cont̃ formam statuti pred', ac cont̃ pac' dict' dominæ reginæ nunc, coron̄ & dignitat̃ suam.

For being a common Barretor, for keeping a blind Taueme, and receiuing suspicious persons, and the wife a Scold.

Sect. 203 INquiratur &c. si I. S. super de C. in comit̃ N. Laborer, est homo malæ conuersation̄ et gubernation̄, ac communis barrat̃ et pacis dñæ reg. ꝓturbator. Et ꝙ idem I. S. apud G. ꝑd' in com̃ N. ꝑd' custod', tenet, & occupat quand domũ, siue Tabern̄, non habent̃ vsuale sign' aptè appositũ, vulgariter dict' a blind Tauerne. Et qd primo die Iunij &c. Necnon diuersis dieb' et noctib' antea et postea, in eand' domũ diuersos hoies malę cõuersation̄, et suspect', recipient̃ omnib' horis, tam noct', quã dici, recipit & hospit̃ est, ꝙ ꝙ vicini sui ac alij ligei ꝓpuli dict' dñæ reg. ibid' multi-

pliciter

pliciter vexant, inquietant, & grauant, & miniſtri dñæ reginæ, ꝓpter pacis conſeruationem, officia ſua ibid exercere & exequ prohibent, & ſæpenumꝝ in periculo amiſſiõ vitæ & leſionis corpoꝝ ſuoꝝ quotidie exiſtunt. Et q I. vxoꝝ ꝓd I.S. eſt communis obiurgatrix, tam cum vicinis q̃ cum alijs ligeis dict' dñæ Reg. p qd populi dict' dñę reg. multipliciter moloſtant, inquietant, et grauant. contꝝ pac' dictæ dñæ reg. &c.

For breaking of a ſtable, and taking out of the ſame a Gelding and a Mare, and the acceſſaries after.

IVratores pro domina Regina ꝓſent, qd A.B. nuper de C. in Com' E. viceſimo nono die Aug. Anñ Reg. dict' dominæ noſtræ Elizabethæ, Deigratia Angl', Franc', et Hiberñ Reginæ fidei defenſoris &c. Triceſimo quarto, vi & armis quodam ſtabulum in domo manſionali cuiuſdã I. S. infra parochiam de C. predict' in comitatu E. predict' exiſtens, fregit et intrauit, et vnum equum ſpadonem (Anglice vocat a gelding) coloris albi, preeij ſex libraꝝ et vnam equam coloꝝ nigri, precij 30. ſolid de bonis et catallis ipſius I. S tunc & ibid' exſtent inuentos feloñ cepit, & abduxit, contra pacem dict dñæ Regin' coron' & dignitatem ſuas. Et qd K. H. nup de C. ꝓd' in com' E. predict' hoꝛſecoꝛſer, ſciens pref. A. B. feloñ predict apud G. ꝓd' in com' E. predict modo & forma ꝓd feciſſe et perpetraſſe, eund' tamen A.B. apud C. pred' in com E. pred 30. die dict' menſis Aug. Anno ſuprad feloñ recepit & hoſpitio excepit, poſt feloñ prædictam ſic per ipſum A.B. vt præfertur factam & commiſſam contra pacem dict dñę nꝛæ Reg. nunc, & contra coroñ, ac regiam dignitatem ſuas. Sect. 204 Receit.

An Indictment againſt a ſeruant of the age of 19. yeares retained for one yeare for going away with ten pounds, the which his maſter deliuered vnto him in truſt, to keepe it for him.

IVrat ꝓſent, pro domina Reg. qd cum A.B. de C. in comitatu E. ꝑter ter, viceſimo die Septembris, Anno regni Dominæ noſtræ Elizabethæ, dei gratia Angliæ, Franciç & Hiberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, in domo manſionali ipſius A. B. apud C. predict' in comitatu E. præd' deliberaſſet cuidam E. F. de C. prædicta in dicto comitatu E. ꝑter, tunc ſeruienti ipſius A.B. pro vno anno integro retento, ac ætatis nouem decem annorum exiſtenti, decem libras in pecunijs numeratis de bonis ipſius A.B. ea intentione, vt idem E. F. eaſdem ſaluo cuſtodiret, ad vſum pred' A. B. tunc magiſtꝝ ſui: Idem E. F. dicto viceſimo die Septemb anno ſuprad (apprenticius dicti A. B. tunc non exſtens) apud C. pred' in comitatu E. ꝓd a dicto magiſtro Sect. 205

suo vna cum ꝑd decem libr dict' A. B. tunc magistr' sui malitiose et se felon̄ discessit, abijt et aufugit, ea intentione, ad furand' dict' decem libras contr' fiduciam in eo ꝑ pref. A.B. tunc magistr' suum reposit & collocat', & ad inde dictum A.B. magistr' suum pred' defraudand': contr' pac̄ dict' dñi Reg. ac contr' formam diuersor̄ statut huius regni Angl' in hm̄di casu, prouisorum et æditorum.

For stealing of a Cowe, and the accessories before the offence committed.

Sect. 206 IVratores pro domina Regina ꝑsent, qd A.B. de C. in Com' E. Shoemaker, primo die Iu. Ann̄ Reg. dict' dominæ nostræ Elizabethæ, Dei gratia Angl', Franc', et Hiber̄ Reginæ fidei defensoris &c. Tricesimo quarto, in quodam loco infra parochiam de C. predict' in commitatu E. predict' (vocato the Cow pasture) vi & armis &c. clausum cuiusd̄ I. S. de D. in com̄ E. pred' yeoman, fregit et intrauit, et quandam vaccam (coloris nigri, precij 40. solid') de bonis et catallis pred' I. S tunc ibid' existent' inuentam, felon̄ cepit, furatus est, & aduxit contra pacem
Procurement. dict' dñæ Regin' nunc coron' & dignitatem suas. Et quod quidam G. H. de C. ꝑd' in dict' com' E. Butcher, ante felon̄ predict', scz. eodem primo die Iunij, Anno tricesimo quarto suprad' eund' A.B. apud C, ꝑd' in com' E. predict', ad felon' predict' faciend' et perpetrand', malitiose et felon̄ exitauit, persuasit, et procurauit, contra pacem dict' dñę Reg. coron̄ & dignitatem suam.

An Indictment vpon the statute of Anno 21. H. 8. against a seruant aboue the age of 18. yeeres, for going away with a bracelet of gold, worth 17. li. deliuered to him by his Master to keepe, wherein the Statute is recited.

Sect. 203 IVratores ꝑsent, &c. quod cum per quendam act' in Parliamento dñi H. nup regis Anglię 8. apud Westm' in com' Midd', an' reg. sui 21. tent', ædit', per dict' dominum Reg. cum assensu dñor̄ spiritualium et temporalium, ac communitatis in eod' Parliamento congregat', necnon authoritate eiusd' inter alia adtunc ibid' inactitat' existit, Quod si aliquis seruus, cui eiusd' Magister vel Magistra liberat' aliqua bona valor' 40. s. custod', discesserit cum bonis illis cum iuentione ad furandum vel retrahendum eadē, foret felonia, prout per eund' actū plene liquet. Qui quidem actus postea per quendam alium actum in Parliament' dominę Marię nuper reg. Angl' apud Westm̄ ꝑd, ann̄ reg. sui primo, tēt, ædit, fuit repellat' et annihilat', ac postea ꝑ quēdā alium actū in pliam̄to dñę Reg. nūc apud West. ꝑd ann̄ regn' sui 5. tent, ædit, reuiuat, & adhuc in vigore existit.

Ac

Ac etiam cum C.P. armig' ſecundo die S. anno regni dict' dñæ reginæ nunc 15. apud G. in Com̃ M. p̃d, liberaſſet I.G. nup de E. in Comitat' M pred' huſbandman, adtunc ſeruient ſuo & non appren ſuo exiſten, & vlt ætat 18. annor quoddam brachiale auri, Angl' a bracelet of golde, valor 18. li. &c. de bonis & catallis p̃d C. pro eod' C. ſaluo cuſtodiend'. Pred' tamen I.G. ſtatut p̃d minime ponderans, nec pœnam in eodem contenã verens, apud G. p̃d in dict' Com̃ M. eod' ſecundo die S. anno 15. ſuprad' a pręfat' C. adtunc Magiſtr' ſuo ſeipſum retraxit & cum brachiali pred' felon diſceſſit, ea intentione ad furand' brachiale p̃d, ad defraudand' p̃d C. Magiſtrũ ſuum de brachiali p̃d', contra fiduciam & confidentiam in eodem I. per p̃d C. Magiſtrũ ſuum repoſit, ac contra formam ſtatuti p̃d inter cæteros articulos quorum &c.

For converting Tillage into Paſture for Cowes, to the hurt of their neighbours.

IVratores p̃ſentant p̃ domina regina, q̃ H. W. de A. in Com̃ E. gener', primo die Nouemb. anno regni dict' dom̃ nr̃æ Elizab. Dei gratia &c. Triceſimo quarto, ſeiſit' exiſtens in dominico ſuo vt de feodo, de & in 12. acr' terr' arabilis in A. pred' in Com̃ E. pred' iacentibus (ac de, aut in aliqua libera warrenna non exiſtentibus, ſed per ſpacium 4. annorũ dict' primum diem Nouemb. anno ſuprad' proxim̃ p̃cedentium, in cultur' & ſeminatioñ granor' vſitatis & applicatis) dicto primo die Nouemb. anno ſuprad', ac diuerſis alijs diebus & vicibus, antea & poſt p̃d 12. acr' terr' arabilis, à cultur' p̃d & ſatioñ granor', vſq; in hunc diem p̃ſent', in paſtur' p̃ cuniculis cuſtodiendis conuertebat, & adhuc conuertit & cuſtod'. Ad graue nocumentum I.R. R.T. & W.M. de A. pred' in dict' Com̃ E. (vicinor' ibid' exiſtent) ac contra formam diuerſor' ſtatutorum in huiuſmodi caſu p̃uiſorum & æditorum. Sect. 208.

An Indictment againſt one, for ſuffring of three houſes of husbandry to decay, and for putting out of the husbandmen, and converting of the land belonging to the ſame, from tillage to paſture.

INquiratur pro domina Regina, Si I.K. nuper de T. in Comit' E. geñ, primo die Octobris, anno &c. ſeiſit in dominico ſuo vt de feodo, de & in 8. meſuag' agriculturæ in T. prædict' in dicto Comitatu E. in quibus ſeptem ſeperales agricolæ (Anglice vocat' huſbandmen,) adtunc inhabitabant, ac de & in trecent' acris terr' arabil' in T. prædict' in dicto Comitatu E. in cultura & ſeminatione granor' vſitat' & applicat' adtunc exiſtent', de quibus triginta acræ ad minus cum quolibet dictor' meſuagior' adtunc ſeparatim occupat' & vſitat' fuerunt. Et quod pred' I.K. leges Sect. 209.

& ſtatuť huius regni Angl' parui pendens, dicto primo die Octob' anno &c. ſupradicto, ac diuerſis diebus, & vicibus, antea & poſtea, pro proprio lucro & ſingulari cõmoď ſuo, tres agricolas dictorum ſeptem, de tribus de p̃dict̃ ſeptem meſuagijs ad tunc expulit & amouit, & eadem tria meſuagia abſq; aliquo inhabitant̃, ſiue aliquibus inhabitantibus in eiſdem, irreparat̃ ſtare, & in decaſ. & ruinam cadere, adtunc & deinceps vſque diem captionis huius inquiſitionis voluntarie cauſauit & permiſit. Inſuper quod prędt̃ I.K. die & anno ſupradicto, ac diuerſis diebus & vicibus antea & poſtea, cent̃ acť predictarum trecentarum acrarum terræ arabil' iacent̃ & exiſtent̃ in T. prędict̃ in com'E. prædict̃, cum foſſat̃ & ſepibus viuis inculſit, & illas abinde à cultura agriculturæ & ſeminatione granorum vſque diem captionis huius inquiſitionis in paſtur̃, conuertebat & cuſtodiebat, & adhuc conuertit & cuſtodit, in malum & pernitioſum exemplum aliorum, ac contra formam diuerſorum ſtatutorum in huiuſmodi caſuæ ædit̃ & prouiſ, &c.

An Indictment againſt a Prieſt for his affirming that the Pope of Rome is ſupreame head of the Church of England, and againſt one as acceſſary for comforting of him therein.

Sect. 210. IVratoſ̃ prę̃ſentant pro domina regina, quod I. S. de C. in comitatu E. Clericus. viceſimo die menſis Apr̃, anno regni ſereniſſimæ dominæ noſtr̃ Elizabethæ, Dei gratia Angliæ, Franciæ, et Hyberniæ reginæ, fidei defenſoris, &c. triceſimo quarto apud D. in comitatu E. prædicto, ſcient̃, conſiderat̃, maliciosè, & dirę̃cte palam in præſentia multoſ̃ dict̃ę dominæ reginæ noſtræ nunc ſubditorum, affirmauit, & defendit auctoritatem Papæ Romani eccleſiaſticam in regno Angliæ prædantea vſurpatam, his expreſſis verbis anglicanis ſequentibus, viz. I ſweare by the bleſſed Maſſe, and will auow that our holy father the Pope of Rome, is the ſupreme of the Church of England, in magnam derogationem regiæ auctoritatis, & p̃rogatiuæ dict̃ę dom' reginæ noſtr̃ę, ac contra coronam & dignitatem ſuam, nec non contra formam diuerſoſ̃ ſtatutoſ̃ in huiuſmodi caſu æditorum & prouiſorum. Et q̃d A. B. de D. prædict̃ in comitatu E. prædict̃ Marchandler, ſciens ipſum I. S. dicta verba loquutum eſſe, ac dictam dicti Papæ auctoritatem modo & forma vt prefertur, defendiſſe, ipſum I. S. apud D. p̃d̃, in dicto com'E. poſtea ſcilicet 22. die dicti menſis A. anno ſupradicto, conſolatus eſt & cõfortauit, ex induſtria & ex propoſito, & ad eam intentionem, vt idem A. B promoueret & efferret præf. dicti Papæ auctoritat' vſurpatam, in pernitioſiſſimum aliorum exemplum, ac contra coronam, & dignitat̃ dictæ dom' Regin̄æ nunc, ac etiam contra formam diuerſoſ̃ ſtatutoſ̃ in eiuſmodi caſu proniſorum & æditorum.

An

An Indictment againſt a Prieſt, for practiſing to abſolue and perſwade a Widow woman from her obedience and ſubiection to the Queene, and to obey the authoritie of the ſee of Rome.

INquiratur pro domina Regin', ſi A.B. de C. in dicto com̃ E. clericus 6. die menſis Maij, anno Reg. dict' dominæ n̄ræ Eliz. dei gratia Ang. Franciæ, & Hyberñ Reginæ, fidei defenſoris &c. Trieſimo quarto, apud C. p̄d̄ im comitatu E. predicto voluntarie & proditorie, conatus eſt, & practicauit abſoluere, perſuadere, & ſeducere quandam I. W. de C. p̄d̄ in com̃ E. p̄dicto viduam a naturali obedientia & ſubiection' ſua quam ead' I. erga dict' dominã noſtram regiñ gerere debet, ad obediendum pretenſæ authoritati Sedis Romanæ, tunc & ibid̄ p̄ditorie præ ſe ferens & aſſerens ſe habere poteſtatem & facultatem id faciendi, & tunc & ibidem p̄ditorie dicens eidem Ioannæ his Anglic' verbis ſequentibus, Mother Ioane you ſhall haue a blacke ſoule (I tell you) if you doe not the ſooner forſake the Queene (innuendo p̄d̄ domiñ n̄ra reg. nunc) and her hereſie, and yeeld your ſelfe to the obedience of our mother Church, the holy ſee of Rome: contra pacem dict' domiñ noſtr̄ reginæ, coronã, & regalem dignitatem ſuam, & contra formam ſtatuti in parliamento dictæ dominæ noſtræ regin' tento apud Weſtm̃ in com̃ Midd', anno dicti regñ ſui viceſimo tertio, in hm̃di caſu prouiſ. et editi. Sect. 211.

An Indictment againſt a Ieſuite, and againſt one for receiuing of him vpon the ſtatute of An. 27. of Queene Eliz.

INquiratur pro domina Regiñ, ſi E. C. nuper de S. in com̃ E. p̄d̄ Clericus nat' apud S. p̄d̄ in com̃ E. p̄d̄ atq; infra annũ iam p̄x. preteritum fact' & p̄feſſus Ieſuita p̄ authoritatem a ſede Romana deriuatam p̄ditorie apud S. p̄d̄ in comitatu E. pred̄, 6. die Iulij, anñ reg. dict' dn̄æ n̄ræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hybernię Regin' fidei defenſor &c. Triceſimo quarto, a partibus tranſmarinis applicuit, & dicto 6. die anno ſupradicto, & nonnullis alijs diebus tunc proxime ſequentibus apud S. pred̄ in comitatu E. pred̄, proditorie moram fecit ac remanſit: contra formam cuiuſdam ſtatuti in parliamento dict' domiñ Reg. noſtræ nunc tento apud Weſtm̃ in comitatu Midd' anno regni ſui viceſimo ſeptimo, in huiuſmodi caſu proniſi, & editi, ac contra pacem dictæ dn̄æ reginę, coronam, & dignitatem ſuas. Et ſi. W. B. de S. p̄d̄ in dicto comitatu E. mercator, ſcienter, voluntarie, & felonice poſtea, ſcilicet, dicto, 6. die dicti menſis Iulij anno ſupradicto predict' E. C. apud S. pred' in com̃ E. pred̄ receptauit & confortauit dicto W. B. adtunc & ibidem ad largum & extra priſonam exiſtente, ac prefat̄ E. C. huiuſmo- Sect. 212. Receit.

huiusmodi Iesui tã esse, tunc & ibid' sciente et cognoscente: Contr' form' statuti p̃d, ac cõntra pac' Coron̄ & dignitat' dict' dñæ reg. nr̃æ.

For a trespasse in Corne, Grasse, and Plowing.

Sect. 213. INquir' pro dña regin', Si A.B. de C. in Com̃ E. yeoman, 20. die mensis A. Ann. reg. dñę nostr' Eliz. Dei gratia Angl', Franc', & Hyberñ regñ, fidei defensor' &c. Tricesimo quarto, quoddam clausum cuiusd' I.S. apud C. pred' in Com̃ E. pred' (vulgariter voc' Cowleaze,) vi et armis fregit ac intrauit, ac herbas & blada triticea ipsius I.S. tunc ibid' crescentia (ad valencia 20 s.) cum quibusd' bobus, & bidentib' ipsi' A.B. tunc ibid̃ depast' est ac consumpsit, necnon solum et fundũ ipsius I.S. tunc ibid', cum quodam aratro subuertit, p q̃ p̃d I.S. omne cõmodum & ꝓficuum dict' soli sui per longum tempus postea amisit. Ac alia damna & enormia p̃d I.S. tunc ibid' intulit, ad graue damñ ipsius I. S. ac contra pacẽ dict' dñæ nostr' Reg. nunc, coron̄ & dignitat' suas.

For eating Corne with a flocke of sheepe.

Sect. 214. INquirat' &c. Si I.M. de M. in Com' E. Shepherd, 20. die M. Ann. reg. &c. apud V. in Com̃ E. p̃d vi et armis, viz. baculis & cultellis clausum I.S. fregit, & blada ipsius I.S. viz. hordea & auenas in 30. ac' terr' tunc ibid' crescen̄ cum grege ouium in custodia sua existen̄ depastus fuit, conculcauit, & consumpsit, & alia inormia ei intulit ad graue damnum ipsius I.S. ac contra pacem dict' &c.

For Trespasse in Fishgarths in the hands of diuers farmors, and for the taking of three Salmons.

Sect. 215. IVrat' p̃sent' ꝓ dña Reg. q̃ W.S. de B. in Com̃ L. yeoman, I.W. de ead̃ villa in Com̃ L. p̃d yeoman, & I.W. de T. in Com' L. p̃d yeoman, 8. die Martij, Ann. &c. circa horam 4. post meridiem eiusd' diei, in S.K. & B. in comit' L. p̃d vi et armis &c. in quand' pisc' voc' Fishgarths, tunc in tenura & occupat' R.F.C.L. & I. firmar' ibid' dict' dñæ Reg. intrauer' & fregerẽ et tres Salmones ad valenc' 20 s. de bonis & catall' pred' R.F.C. L. & I.L. in pisc' pred' ceperunt & abinde asportauer', contr' voluntat' p̃d' R.F. &c. ad graue damñ ipsor' R.F. &c. ac contra pacem dict' dominæ Reginæ nunc &c.

An Indictment against one for taking aboue the rate of x. li. in the 100. li. for the lone thereof for one yeare.

Sect. 216. IVratores pro domina Regina presen't, q̃ vbi A.B. de C. in Comitat' E. Mercer, primo die O. Anno regni dñæ nr̃æ Elizabethæ, Dei gratia, Angliæ

Angliæ, Franc', & Hybern' Reg. fidei defensor & c. Tricesimo quarto apud C. pred' in dicto Com' E. mutuo dedisset, ac accommodasset cuidã D. E. de C. pred' in dicto Com' E. Shoemaker, summã 20. li. in pecunijs numeratis de pecunijs dicti A. B. ea intentione, vt idem D. E. 20. li. eidem A. B. redderet & resolueret primo die Aprilis tunc proxim' futur': Idem A. B adtunc & ibid' iniuste cepit et habuit premanibus de prenominato D. E. viginti sex solid' in lucro, vsura, & proficuo, pro differendo & dand' diem solutionis, sic vt prefertur, earundem 20. libr' à dicto primo die O. Anno suprad' vsq; dictum 1. diem A. tunc prox' sequent', qui quidem viginti sex solid' (modo et forma p̃d', pre manibus capti et habiti) multo excedunt & superant ratam & proportionem decem librarum pro centum libr' pro vno anno integro accommod' ad damnum non mediocre ipsi' D. E. ac in contẽptum dict' domin' Reg' nunc, necnon contr' formam diuersorum statutorum in huiusmodi casu prouis' & edit'.

Another Indictment of the same effect vpon the statute of Anno 37. Hen 8. in which the Statute is recited.

IVratores pro domina Regina presentẽt, quod cum p quendam actum Sect. 217
in Parliamento dñæ Regin' nunc apud West' in comit' Middl' 2. die A
anno regni sui tertio decimo, tent' edit' int' alia inactit' fuit, quod quidam actus in Parliament' dñi H. nup Reg. Ang' 8. apud West' p̃d' anno regni sui xxxvij. tent' edit' pro reformation' vsuræ ab et post xxv. diem Iunij prox' sequen' p̃d' secund' diem A. anno regni dicti domin' Regin' nunc xiij. suprad' reuiuat' foret & staret in suo pleno robore, vigore & effectu, in quo quidem actu in Parliamento dicti nuper regis H. 8. An' regni sui 37. supradicto tent', & edit', inactitat' fuit authoritate eiusd' pliamen', q̃ nulla p̃sona siue personæ, cuiuscunq; status, gradus, siue conditionis, ipse vel ipsi foret siue forent, ad aliquod tempus post vltimum diem Iunarij in actu illo mencionat' per viã siue medium aliquarum corruptarum barganiæ, accommodationis, excambij, chevasancie, cautele, siue interesse, aliquat' marchandizar', mercium, aut alicuius alius rei, siue aliquarum alium rerum quarumcunque, aut p aliquam aliam corrupt' siue deceptiuã viam, vel medium, aut p aliquam couinam, ingenium, siue deceptiuam viam, vel conueiãtiam, haberent, reciperent, acciperent, siue caperent, in lucro, vel profuo, pro differendo seu dando diem solutionis vnius anni integri, de & p̃ eius vel eorum denarijs vel alijs re quæ foret debita pro eiusdem mercibus, merchandisis, siue alia re vel reb', vltra summ' decem libr' pro centum libris, & sic secundum ratam illam, & non vltra, de & pro maiore siue minore summa, seu p̃ longiore siue breuiore tempore, & non pl' siue maius lucrum vel summ' inde habend', sub pœna forisfaciendi

endi & amittendi pro qualibet offens. triplum valorem mercium, merchandizar, & alius rei vel rerum sic barganizat, vendit, excambiat, siue accommodat, et ac etiam haberet & sufferet imprisonamentum corporis sui, & faceret finem & redemptiõ ad voluntatem dicti domini reg. de qua quidem forisfactura triplicis valoris pred, vna medietas esset dict dño Regi, & altera medietas illi vel illis qui pro eadem prosequerent in aliqua curiarum, dicti nuper Regis de recordo, in qua secta nulla, vadiatio legis, essonium, siue ꝓtectio allocaretur: prout in eodem statuto de anno 27. dicti nuper Reg. H. 8. suprad plenius continetur: Cumque etiam quidam R.P. de &c. post pd 2. diem A. anno 13. dictæ domiñ reg. nunc suprad, scil. 22. die D. anno regni eiusdem domiñ reg. 21. apud L. in com̃ E. pred, accomodasset cuidam C. F. 4. li. idem R. B. statut prædminime ponderans, nec pœnam in eodem content verens, ad tunc & ibidem recepit & habuit de pfat C.F. in lucro & proficuo pro differendo & dando diem solutionis earundem 4. li. ab eodem 22. die D. anno 21. suprad vsque 6. diem. A tunc proxim̃ sequen viij.s. qui quidem viij.s. in lucro & ꝓficuo pro differendo & dando diem solutionis dictarum 4. li. à pred 22. die D. anno 21. suprad vsque pred 6. diem A. extunc proxim̃ sequen, excedunt ratam x.li. pro 100. li. ꝓ vno anno integro contra formam & effectum statuti pred, ad graue damnum ipsius C.F. &c.

An Indictment against one occupying a Plow-land in the Parish for not comming at the dayes appointed by the Surueyors of the High-wayes, to helpe to amend the High-wayes within the Parish.

Sect. 218. IVrat pro domina Reg. presenti, q̃ vbi die Martis in septim̃ P. iam vltimo preterito, scz. 7. die mensis A. anno regni dict dominæ nostrę Elizab. Dei gratia Ang. Fr. & Hyb. Reg. fidei defensoris &c. 34. A.B. tunc Constabularius villæ de C. in dict com' E. &c. & D.E. & F.G. tum gardiani ecclesiæ parochialis de C. pred' in comitatu E. pred existentes, vocatis ad se multis alijs parochianis dictæ parochiæ de C. tunc & ibidem elegerunt quosdam I.S. & R.N. duas honest' eiusdem parochiæ personas in superuisores pro anno integro tunc proxim' sequen', pro emẽdatione & reparat altarum regiarum viarum infra dict parochian de C. ducentium à villis mercatorijs ad vill' mercatorias: Ac etiam tunc ibid' nominauerũt & appunctuauerũt sex dies, viz. 1. 2. 3. 4. 5. & 6. dies mensis Maij tunc proxim̃ sequentis pro dicta emendatione dictarum viar, & nominat pro emendatione illius viæ regiæ ibidem, quæ est inter &c. atque de eisdem sex dieb' sic per eos' vt præfertur, nominat et appunctuatis dederunt palam postea (scz. die dominic' dict Pasch. tunc proxim̃ sequent) publicam notitiam in dicta eccl' parochiali. Quidam tamẽ T.W. tum & adtunc parochianus de C. pred in comitatu E. predict existens,

exiſtens, ac tum habens & occup in dicta paroch' de C. in comit E. p. dict', vnam integram carucatam terræ arabilis (Anglic' dict' a plough-land) ad nullum dictor 1. 2. 3. 4. 5. 6. dierum dicti menſis Maij anno ſuprad, priſus inuenit aut miſit currũ inſtructum (Anglice dict' a twaine or cart furniſhed) equis, bobus, aut alijs animalibus, & neceſſarijs inſtrumentis, ſecund morem patriæ ibid': nec vllos habiles homines, erga emendationem & reparationẽ dictarum viarum, aut earum aliquam inde parcellam, ſed inde tunc ibidem voluntarie fecit defaltam, in dictæ dominæ reginæ contemptum, ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu prouiſ. & æditi.

An Indictment againſt a Towne for not keeping Watch according to the Statute of Wincheſter, Anno 13. Ed. 1.

IVratores pro domin regina prſentant, quod à decimo die Iuñ, anñ reg' dictæ dñæ nræ Eliz. Dei gratia Angliæ, &c. 35. vſque vltimam diem menſis Aug' anñ ſuprad, homines & inhabitantes villæ de C. in comñ E. nullas vigilias à ſolis occaſu vſq; ad ſolis ortum, in dicta villa de C in com' E. prad, per aliquot homines, fecerunt, aut cuſtod, prout de iure & antiqua conſuetudine huius regni Angliæ facere debent & ſolebant: In dict' dũæ reginñ nunc contemptum, ac contra formam cuiuſdã ſtatut in parliamento dñi Ed. olim regis Angl' primi, apud Winton, anno regni ſui 13. tento, in huiuſmodi caſu prouiſi & æditi. Sect. 219

An Indictment againſt the inhabitants of a hundred, for not keeping ſea-watch at Sandgate, according to the ſtatute of Anno 5. Ed. 4.

IVr pro dom regin' prſentant, quod vbi homiñ & inhabitantes hundredi de F. in com' M. pred, antiquitus (viz. ante annum regni domiñ H. nuper regis Angliæ quarti quintum) quaſdam maritimas & minutas vigilias (Anglice voc' Seawatch) tempore belli per coſteram maris in quodam loco (vocato Sandgate) in dicto comitatu M. per quatuor homines ſingulis noctibus (a tempore in cuius contrarium memoria hominum tunc non exiſtebat) cuſtodire debebant & ſolebant: dicti tamen hundredi de F. homines & inhabitantes nunc, tempore nuper belli, viz. à 24. die Iulij, anno regni dictæ dñę nrę Eliz. Dei gratia &c. 30. vſque 34. diem dicti menſis Iulij, anno ſuprad, pred vigilas apud Sandgate pred, modo & forma pred, facere & cuſtodire voluntarie prætermiſerunt & neglexerunt, ac in eiſdem vigilijs tunc ibidem (ſic vt prefertur faciendis ac cuſtod) voluntariam fecerunt defaltam: In dictæ domiñ reginę contemptum, ac huius regni ſui Angliæ diſcrimen non modicum, ac contra formam ſtatuti in parliamento dicti domini Henrici nuper regis Angliæ quart tent, anno regni ſui quint pred, in huiuſmodi caſu prouiſi ac æditi. Sect. 220

For

For killing a man by witchcraft upon the statute of Anno. 5. *of the Queene.*

Sect. 221 IVrat̃ p̃sentant pro domina regina, q̃ S.B. de C. in Com̃ H. vidua, x. die Aug', Anno regni dict' dom' nr̃æ Eliz. Dei gratia Angl' &c. tricesimo quarto, ac diuersis alijs diebus post dict' x. diem, quasdã artes detestand' Anglicè voc' witchcraft and sorcery, nequiter et felonicè practicauit et exercuit apud C. pred', in Com̃ H. pred̃, in, super, & contra quend̃ I.N. de C. pred' in dicto Com̃ H. Laborer, per quas quidem artes dict' I.N. à p̃d̃ x. die Aug. anno 34. supradict̃ vsq; 24. diem p̃d̃ mensis Aug. anno 34. supradict̃, periculosissimè ac mortaliter ægrotabat & languebat. Ac eodem 24. die August. anno supradict̃ idem I.N. per artes pred' in dicto Com̃ H. obijt. Et sic Iuratores pred' p̃sentant, q̃ eadem Sara ipsum I.N. apud C. pred̃, modo & forma supradict̃, ex malicia sua p̃cogit', voluntariè, nequiter & felonicè per artes pred', occidit ac interfecit, contra pacem dict̃ dom̃ Reginæ nr̃æ, ac contra formam statuti in Parliamento dict̃ dom̃ Reg. nr̃æ (tento apud West. in Com̃ Midd̃, anno regni sui pred̃ quint̃) in huiusmodi casu p̃uisi ac edict̃.

The like Indictment.

Sect. 222 INquiratur pro domina reg. Si Marg' L. de A. in Com̃ E. Spinster, 24. die Iun̄, anno reg. dn̄ę nr̃æ Eliz. 15. ac diuersis alijs diebus & vicibus, tam antea quam postea, Deum præ oculis suis non habens, sed instigatione diabol' seduct', quasdam malas diabolas artes, Anglicè voc' Witchcrafts, Inchantments, Charmes and Sorceries, nequiter diabolicè & felon̄ apud H. p̃d̃, in Com' E. p̃d̃, ex malicia sua p̃cogitat̃ vsa fuit, practicauit, & exercuit, in & super quendam W.N. p̃textu cuius pred' W. à p̃d̃ 24. die Iun̄ anno supradict̃ vsq; 24. diem Dec' anno regni dict' dn̄æ regin̄ Eliz. &c. 35. p̃d̃ languebat, quo quidem 24 die Dec' supradict̃, pred' W. ratione practicationis & exercit̃ diabolic' artiũ p̃d̃, apud H. p̃d̃ in com̃ E. p̃d̃, obijt. Et sic p̃d̃ M. ipsum W. apud H. p̃d̃, in Comitat̃ E. p̃d̃ modo & forma supradict', & ex malicia sua p̃cogitat̃ interf. contr̃ pacem dict̃ dn̄ę reg. & contra formam statuti &c.

For bewitching a horse, whereby he wasted and became worse.

Sect. 223 INquirat̃ p̃ domina regina, Si Sara B. de C. in Comitatu Eb. vidua, 20. die August. anno regni dict' dn̄æ nr̃æ Eliz. &c. 34. quasdam artes nequissimas (Anglicè vocatas Inchantments and charmes) apud C. pred̃ in Comitatu Eb. prædicto, maliciosè, & diabolicè, in, super, & contra quendam equum, coloris albi, precij 4. li. de bonis & catallis cuiusdam I.S. de C. pred' in dicto Comit̃ E. gener̃ existentem, exercuit, & practicauit,

cauit. Per qd idem equus dict' I. S. 20. die pred' apud C. pd omnino peioratus est, et vastatus: contr' pacem dict' dom' reg. et contr' form' stat in eiusmodi casu prouis. ac editi.

For taking away of a widow, and marying of her against her will contrarie to the statute of Anno 3. H. 7.

IVrat psent, pro domina Regina qd A.B. de C. in dict. com' E. Yeoman Sect. 224
Lingman, 2. die Aprilis, Ann reg. dict' dominę nostræ Elizabethę &c. 35. vi et armis in domum mansional' cuiusdā H. B. de C. præd' in com' E. pd viduę infra parochiam de C. predict' in com E. pred, intrauit, (quæ quidem H. B. seisita fuit in dominico suo vt de feodo, de et in diuersis terris et tenementis in C. pred' in com E. predict', clari annui valoris 10. li. vltra omnes reprisas existentibus) ac immediate postea, viz. dict 2. die Aprilis, anno suprad' idem A. B. pred' H. B. nunc ibid in dict' doma sua in pace dei, ac dictę Dominæ Regin existentem ex dicta domo sua mansionali contra voluntatem ipsius H. B. illegitime ac felon extraxit, eripit, et abduxit, ac eadem H. B. postea (scz. 3, die dicti mensis Aprilis anno supradict) in Ecclesia parochiali de C. pred' in com' E. præd, cepit in vxorem suam: vbi idem A. B. dicto tempore extractionis & abductionis pred', non clamauit, nec clamare potuit, eandem H. B. tanquam Wardam suam, aut tanquam Natiuam suam: in magnam pacis dict dom' Reg. nunc perturbation, ac contra formā cuiusdā Stat in Parliamento Dom' Hen nup Reg. Angl' septimi, tento, Ann' reg. sui tertio, in hmdi casu prouis. ac edit.

An Indictment for Burglarie by night.

IVrat psent, pro dom' Reg. qd E. D. nup de &c. 2. die I. &c. vi & ar- Sect. 225
mis, &c. domum mansional' R. H. apud E. in com' pd circiter horam vndecimā in nocte eiusd diei adtunc et ibid felon et burglariter fregit contr' pacem dict dom' &c.

An Indictment for stealing a Hog in a common.

IVrat psent, pro domina Reg. qd F. B. de C. quarto &c. Febr &c. vi & Sect. 226
armis &c. in quandā communā intra nouā Forestam voc' H. intra per oc' de C. in C. pd, fregit & intrauit, & vnum porcū color' ten' sperkled, precij 12. d. de bonis & catallis B. D. adtunc et ibid inuent felon cepit, & effugauit contra pacem dict' dom reg. &c.

An

An Indictment for a wilfull eſcape of a Priſoner committed for felony to a Conſtable to be brought to the common Gaole, and a Knight who is no Iuſtice of peace commanded the ſaid Conſtable to bring the Priſoner before him, by reaſon whereof the ſaid priſoner did eſcape.

Sect.227 IVrat̄ p̄ſent̄, pro domina Regina qd cum I.D. nuper de &c. pro diuſis felonijs per ipſum ꝓpetrat̄ & pro eiſdem felonijs coram A.B. arm̄ vno Iuſticiat̄ dict' dn̄æ reg. ad pacem Conſtabulat̄ dict. dominę reg' * concordiat̄ fuerit, & per enndem A.B. ſub Cuſtod̄ p̄d̄ conſtabulat̄ pro felon' p̄d̄ ad generalem gaolā dict' dn̄ę Reg. in com' p̄d̄ comiſſ. fuit, ibid̄ ſaluo cuſtodiend̄ quousq; ſecund' legē & conſuetud̄ hui' regni Angl' deliberaretur. Et W. P. de &c. Miles non exiſten̄ luſtic' dict' dn̄ę reg. ad pacem in com' pred' miſit & precepit quend̄ I.N. de &c. Conſtabulat̄ &c. ad ducendum p̄d̄ I.D. coꝝ ipſo.

An Indictment for ſtealing ſheepe.

Sect.228 IVt̄ preſent̄ &c. qd A.B. &c. quarto die &c. vi & armis, viz. clauſum T.G. de &c. fregit & intrauit, & duas oues matrices coloris nigri p̄cij 7.s. de bonis & catallis dict' T.G. felon̄ cepit, abduxit & aſportauit contra pacem &c.

An Indictment againſt one for breaking of a houſe, and murding of one with a Cudgell in his bed by priuitie and conſen of the wife of the murdred.

Sect.229 IVt̄ p̄ſent̄ ꝙ &c. Ed. nup de E. &c. circa horā 12. in nocte eiuſd̄ diei, deum corā oculis non habens, ſed ex malicia ſua precogit̄, vi et at̄, viz. &c. domum R. P. apud C. in com' pred' felon̄ et barglarit̄, fregit, et intrauit, et in pret. R. P. adtunc et ibid̄ nudū in lecto ſuo iacentē, inſultū et affraiam fecit, et eum cum vno baculo valoris 12. d. voc' a Cudgell, eund̄ R. P. ſup caput ſuū vſq; ad cerebr̄, adtunc et ibid̄ felon̄ p̄cuſſit, dans ei plagam mortal' : de qua quidem plaga mortali idem R. P. adtunc & ibidē inſtant̄ moriebat̄. Et ſic idē E. L. eund' R. P. adtunc et ibid' interfecit & murderauit contr̄ pacē dict' dom' reg. Et ꝙ quedā Agnes P. nup de &c. ſpinſter vxor p̄d̄ R. P. tertio die Iunij An. &c. ac diuerſ. diebus antea et poſtea eund̄ diē et ante felon̄ et murdrum p̄d̄ in form' pred' apud W. p̄d̄ in C. pred' pret. E. L. ad felon̄ et murdr̄ p̄d̄ fac' & perpetrand̄ felon̄ procur̄ et abbet̄, contr̄ pacē dict' dom̄ reg. Et etiā qd ead' A. P. ſciens pref. Ed. felonią murdrū et p̄d' in form' præd' feciſſe & perpetraſſe E. L. pred̄ 3. die Iun. Ann̄ &c. apud W. pred' in C. p̄d̄ felon̄ receptauit & confort̄, contr̄ pac' dict' dn̄æ reg.

An Indictment of Manſlaughter.

IVrat̄ p̄ſent̄,&c. p̄ dom' Reg.qd A.B.&c. 8.die I.vi & anñ,viz.&c.in Iohañ P.apud B.pred' in pace Dei et dñæ reg. exiſten̄ inſultū et aſſraiam fecit cum manu ſua dextra p̄f.I.P. in capite ſuo felon̄ adtunc et ibid' p̄cuſſit, dans ei plagam mortalem, de qua quidem plaga p̄d I.P. adtunc& ibid̄ incontinenter obijt Et ſic idem A. B.pref.I.B. adtunc et ibid' felon̄, interfecit & murdrauit, contr̄ pac̄ dict' dñæ reg. Sect.230

An Indictment for uſing more arte, then one vpon the ſtatute of Anno 3. Ed. 3.

INquiratur pro domina Reg.quod cum in ſtat̄ in Parliamento dñi E. nup regis Angliç 3.poſt conqueſtū, an'reg.ſui 3. tent̄, inter cætera ordinat̄ſit & ſtatut̄, Quod artificiat̄ & genter occupationem habentes, & quilibet eorum ad ſuam artem ſeu occupationem ſe teneat, et quod nullus exerciat aliam artem ſeu occupat̄ niſi tamen eā q̄ elegit: Et ſi aliquis in contrarium fecerit p̄ impriſonam̄t̄ corporis ſui p̄ ſpatium duorū anñ puniatur & vlterius ſin̄ et redemptiō dom' Reg. fac' prout in eod̄ ſtat̄ plenius continet: Si A.B. de C. in com̄ N. Baker, alias dict' A.B. in com' N. pred' Pilner, Stat̄ pred̄ minime ponderans nec pœnā in eod̄ ſtat̄ content̄ verens, a ſecundo die Iulij.anñ reg.H.8. &c. vſq; quartum diē Apr̄ anñ 23.dom' reg.ſuprad̄ tam artē molēdinarij q̄ artē piſtor̄ panis humani apud C. p̄d, continue exercebat in dñi Reg.contemptum, ac contr̄ form' ſtat̄ p̄d. Sect.231

An Indictment for regrating of Corne.

INquirat̄ &c.ſi R.L.nup de T. in com̄ L. yeoman,& H.D.nup de N. in com̄ pred' yeoman, 20.die Iu.anñ &c.apud B. et T. in com' p̄d emerunt & regratauerunt de T.S.R.R. & alijs ligeis dom' reg. 50. quarter frumenti precij 25.li. cent̄ quart̄ hordei precij 24.li.et al' frumt̄ et hord̄ in domib' manſion' ſuis vt regratores mercati dict' dñi reg.accumulauer̄ et cuſtodiuer̄ ea intentione vt frumt̄, hord̄, et alia grana ſub ſuis cuſtod' ad ſuū libitū exponere et vendere potuerunt, ob qd grana in mercat̄ et villis comit̄ p̄d multipliciter cariora et rariora forent in graue damnum populi dñi reg. ac contra formam ſtatuti in hujuſmodi caſu edit̄ et prouiſ.&c. Sect.232

An

An Indictment for a robberie done by the high way vpon the person of one.

Sect.233 IVt ꝓfert,&c.qvbi I.B.de L.generē 13.die.&c.anñ &c.fuit in pace Dei et dict' dñi Regis in reg. via apud parochiā ſancti E.in campis in com' M.ibidem eiuſdem die & anno venerunt I. M. de D. in comitatu M. yeoman, et R.H. de eadē in coñ p̄d̄ yeoman, laici hoēs et non infra ſacros ordines ſubdiacon' nec vltra exiſtēn felon vt felones dict' dñi regis in p̄d̄ I.B.inſultum fecerunt, et ipſum verberauerūt, vulnerauerunt,& maletractauerūt.Ita qd̄ de vita ei' deſperabatur ac viginti ſolid' in pecunijs numeratis de bonis & catall' ipſi' I.B. adtunc et ibid' inuenit et exiſtent felon cepit et aſportauit, contr' pac' dict' dñi reg.ac contr' form' ſtat' euiſdem dñi reg. anno regni ſui 22. ędit' et prouiſ.

An Indictment for Burglarie in a dwelling house, for putting the houshold in feare, and for the taking away of twenty pounds in money.

Sect.234 INquiratur &c. ſi I. M. de D.in coñ M. yeoman, laicus homo & non infra ſacros ordines Subdiaconū nec vltra exiſten' 12.die &c.Anñ &c. vi et armis,viz.gladijs,cultellis,et dagorijs domū et manſoriū R.V.apud I. in dict' com' M.ſcituat & exiſten' eod' R.V.& A. vxor eius et alijs ſeruien' ſuis in eadem domo et manſorio adtunc et ibid' exiſten' felon' fregit et intrauit, ac in timore corporali poſuit & viginti libras in pecunijs numeratis de bonis, catall' et denarijs ipſius R. V. adtunc et ibid' inuenit felon' ceperit,ſpoliauit,& aſportauit contr' pac' dict' dom' regis, ac contr' form' ſtat' eiuſd' dñi reg. anñ regni ſui 23. ædicti et ꝓuiſi.

An Indictment for Murder ex ꝓpenſa malicia fact

Sect.235 INquirat ꝓ domino Rege, ſi I.D. in coñ pred' yeoman, laicus homo &c. vi & armis,ac de ſua malicia p̄cogitata in W. H.adtunc& ibidem in pace Dei et dñi reg. nunc exiſtēn inſultum fecit, et cum vno gladio precij 12. d. quem idem I. in manibus ſuis adtunc et ibid' tenuit pref. W. G.felon pcuſſit, et dedit ei tunc et ibid' ſup̄ caput ſuum vſq; cerebrū vnam plagam mortalem, de qua quidem plaga mortali idē W.H.adtunc & ibid' inſtanter moriebatur: Et ſic idem I. D.pref. W.H. modo et forma pred' felon, interfecit & murdauit contr' pacē dict' dñi reg. coron et dignitat' ſuā,et contra form' ſtat' de anñ 23. regis H.8. nuper ædit' et ꝓuiſ. &c.

An

An Indictment for robbing of a Church of diuers and seuerall things in the same.

INquiratur &c. si I.M. nup de D. in com̃ M. et R.H. nup de eadem villa et com̃ p̃dict̃ Yeomen, laici hom̃ii, & non infra sacros ordi̅n̄ subdiacoñ vel vlra existent̃ 13. die Maij anno &c. vi et armis, viz. gladijs, baculis et cultellis Eccles. pochial' o'ium sanct̃ de E. apud E. in com̃ p̃d̃ circa hor' 12. in nocte eiusd' dici feloñ fregerũt & intrauerũt, et duas calices de argent̃ deaurat̃, et duo vestimẽt̃ de nigr' veluet, voc' Copes, tres p̃nos lineos voc' Altar clothes, vnam tunic' fixa sup̃ imag' beat̃ Mar̃ infra eãdem ecclesiam cum diuersis annulis de auro & lapid' p̃tiosis in eisdem annex' et affigat̃ ad valenc' xx. li. ac xx. s. in pecun̄ numerat̃ de bonis ornamentis, & den̄ pochian' de E. p̃dict̃ in custod̃ Io. B. et T.B. custod̃ & gardianor', bonor' ornamentor' & denar' pochiæ p̃ochiæ de E. p̃dict̃, et tunc et ibid̃ existen̄ extr̃ custod̃ dictor' gardianor' extr̃ eccles. p̃d' adtunc & ibidẽ felon̄ furati sunt cepert̃ & asportauert̃ contra pac' dicti d̄ni regis, ac contra formam statuti eiusd̃ d̄ni regis anno regni sui 23. ædit & prouis. Sect. 236.

An Indictment against one being a man of euill behauiour for keeping of a blind Tauerne without a signe, and for receiuing and lodging of lewd persons, and that his wife is a common scold.

INquiratur &c. si I.S. nup de C. in com̃ N. Labozer, est homo malæ cõ- uersationis et gubernationis ac commun' barrectat̃ et pacis domini regis p̃turbator. Et quod idem I.S. apud C. p̃dict̃ in com̃ p̃dict̃ custodit, tenet, et occupat quandam domum siue Tauernã non habent̃ vsuale signum aprè exposit̃ vlgarit̃ dict' a blinde Tauerne. Et qd̃ primo die &c. Anno &c. nec non diuersis diebus & noctibus antea et postea in eandem domum diuersos homines malæ conuersation' & suspect̃ venien' omnib' horis tam noctis quã diei recepit et hospitat̃ est p̃ quæ vicini sui et alij ligei populi dicti domini regis ibid' multiplicit̃ vexantur, inquietantur et grauantur, et ministri domin' regis ꝓpt̃ pacis conseruac' officia sua ibid̃ exercen' et exequen' ꝓhibent̃ et ꝛpenumer̃ in piculo amission' vitæ & lesion' corpor' suor' quotidiè ponuntur. Et qd' I.S. vxor p̃d̃ I.S. est cõmun̄ abiugatrix tam cũ vicinis quã cum alijs ligeis populi dicti d̄ni regis, per q̃ multiplicit̃ molestant̃ inquietant̃ et grauant̃ conẽt pac' dicti d̄ni regis. Sect. 237.

An Indictment for selling Ale in vessels called Kilderkins.

IVratores p̃sentant, quod I. R. de noua C. in comit̃ A. pandoxator & A.I. de eadem C. prædict̃ Beere seller, sunt commnnes pandoxa- Sect. 238

tores in C. p̄dict̄ et decimo die &c. anno &c. ac diuersis vicibus antea et postea vendidet̄ ceruisiam, et ceruisiam per diuersa vasa voc' Kilderkins tam magna quam parua contra formam statutorum inde ed̄it ad graue damnum populi domini regis &c.

An Indictment of a Priest for keeping of a Concubine.

Sect. 239 INquiratur pro domino rege, si H.R. nuper de K. in com̄ W. Clericus primo die Decembr̄, anno regni Regis Henrici octaui 22. vi et armis, Deum præoculis suis non habens, nec legem Dei et d̄ni regis timens, et ordinem sacerdotalem nihil regardans, tanquam ribaldus et luxuriosus et riotosè sicut transgressor, malefactor et pacis d̄ni regis perturbator irregulariter et extra legis motem et honestam vitæ virtuosæ et sacerdotiq̄ dignitat̄ seipso vtens apud K. p̄d' in comitat̄ p̄d' hospitium illicitum leuauit et custodiuit, et quandam A.B. mulierē defamat̄ et stuprosam publicè et notorie custodiuit, occupauit, et habuit, et ipsam A.B. a p̄dict̄ primo die Decemb', anno supradicto adtunc et ibidem continuand' et adhuc quotidie et noctuatim manifestè et aperiè custodiuit, occupauit, et habet in communi stupro le mocinum in maximum periculosum exemplum aliorum malefactorum contra pacem dicti domini regis &c.

An Indictment for not comming to the Church, vpon the statute of Anno 1. Elizab.

Sect. 240. IVratores pro domin' reg' præsentant: qd' cum per statut̄ in parliamento domin' Eli. Dei gratia &c. anno regni sui primo tent̄ apud W. in comit̄ M. inter alia inactitat̄ et ordinat̄ existit, q̄ post festum S. Ioh. Baptist' an' regni dict̄ d̄næ reg' primo, omnis et omnimod̄ p̄son' et person' inhabitant̄ in hoc regno Angl' vel alibi infra domination̄ dict' d̄næ regiæ diligenter̄ et credulenter habentes nullam legalem seu rationabilem excusation̄ abessendi niterent̄ semetipsos adire ad suam pochial' eccl' vel capellam consuet̄ vel sup̄ rationabil' impediment̄ ad aliquem vsitat̄ locū vbi communes p̄cation̄ & diuina seruitia dici vsitat̄ tempore talis impediment̄ sup̄ quēlibet die d̄nicum et alijs dieb' ordinat̄ et vsitatis obseruari durant̄ tempore eorum p̄cat̄ p̄dication̄ aut aliof̄ diuinof̄ seruitiorum vsitand̄ et ministrand' sub pœn̄ punitionis p̄ censuras Ecclesiæ et etiam sub pœna qd quælibet persona sic offendens forisfaciat pro qualibet tali offens. 12. denar̄ leuand̄ p̄ gardian' eccle. pochial' vbi tale offensum foret fact' ad vsum pauperum inhabitan̄ eiusd̄ pochiæ de bonis, terr̄ et tenementis talis offendent̄, prout in statuto p̄d' continet̄: Cumque T.R. de D. in com̄ p̄d' ar̄ et A. vxor eius existen' de pochia eccles. pochialis de T. præd' infra quam quidem eccles. cōmunes p̄cationes et alia diuina seruitia instatut̄ præd'

p̄d̄ ſpecificat̄ poſt pred' feſtū Natiuitat̄ S. Iohan. Baptiſtę an. primo ſupradict' ſcz. dn̄ica ꝓxime poſt feſtū S. Mich' Archangeli Anno regn̄ &c. & 12. dieb' dn̄icis tunc ꝓxim̄ ſequen̄ & octo alijs dieb' feſtiualib' eaſd' dies dn̄icas interuenient̄ dicebant̄ & vtebant̄ p̄d' T. & A. non habentes legalē & rationabilē excuſation̄ ſeu impediment̄ abeſſend̄ ab eccleſia pred' in dieb' p̄d̄ tempor' p̄d̄ cōmuniū p̄cation̄ et diuinor' ſeruicior' ibid̄ tunc dict' habit̄ & miniſtrat̄ nō ſolū non nitebāt ſemetipſos adire ad eccleſiam exiſtent̄ eorū eccleſiam conſuet' in pred' die dn̄ica ꝓxim̄ poſt feſtū S. Mich. Archangeli, ann. reg. &c. ſupradict' & pred' alijs 12. dieb' dn̄icis tunc ꝓx' ſequen̄ & p̄d̄ alijs octo dieb' feſtiualib' eaſd' dies dn̄icas interuenient̄ tempore p̄d' communiū p̄cation̄ & diuinor' ſeruic' ibid̄ in diebus illis dict' habit̄ & miniſtrat̄, ſed etiā odentes & contennētes Euang' & ſalubre dei verbum, & dictam dn̄am reg. & leges ſuas ſeipſos voluntatie abſentauerunt & vterq; eorum voluntarie ſeipſum abſentauerit ab eccleſia p̄d' die dominica ꝓxim̄ poſt feſtum Sancti Michaelis Archangeli anno &c. ſupradict', & p̄d̄ alijs duodecim dieb' dn̄icis tunc ꝓxim̄ ſequen̄, & p̄d̄ alijs octo diebus feſtiualib' eaſdem duodecim dies dominicas interuenient̄ tempor' pred' communium p̄cationum & diuinor' ſeruicior' ibidem in diebus dict' habit̄ & miniſtrat̄ contra pacem & contempt' dict' dominæ regin' nunc & legum ſuarum, contra coron̄ & dignitat̄ ſuas ac contra formam ſtatut̄ pred' & in pernitioſum exemplum aliorum malefact'.

An indictment for periurie, committed in an anſwere in the Exchequer at Cheſter.

IVratores preſent̄ ꝓ domina Reg. q̄ cum I. D. de E. in com̄ C. gen̄ in Cur̄ dn̄æ regin̄ Scaccarij ſui Ceſtr̄ corā R. comite Leic' camerar̄ ſuo Ceſtriæ apud Ceſtr̄ in com̄ C. poſt duodecimam diem &c. Ann. &c. exhibuiſſet quandam billam petitionis verſus quendam R. W. nuper de T. in com̄ pred' Milner, de et ſuper iniuſt' recuperationem 36. s. debit' p ipſum R. verſ. p̄d' I. D. exiſten̄ vad̄ & pleg' cuiuſd' W. H. in in Cur̄ manerij ſiue dominij de H. infra ducat' Lanc' et 4. s. 8. d. cuſtag' circa eandem ſectam ibidem iniuſte recuperat' per dictum R. idem R. in reſpōſione ſua in dicta Curia Scaccarij pred' ad petitionem p̄d' ſup ſacramēt̄ ſuum capt̄ dixit, affirmauit, & iurauit hæc verba Anglicana ſequen̄ vel in effectu ſimilia. And for nonpaiment of the reſidue of the ſumme of 47. s. being as it ſhould ſeeme by the ſaid Wales owne confeſſion in the ſame anſwere, of the receit of 36. s. this defendant long after commenced his action of debt againſt the now plaintife in the ſaid Court of H. vbi dictus W. H. diu ante perſoluiſſet dict' R. ſumma 48. s. Ita quod nihil remaniſit illo ſoluend': Et ſic præfat' R. in faciendo & confirmand̄ falſum Sect. 241

falsum responsum p̄d', in ea parte p̄d', die M. anno &c. volunt & corrupt commisit voluntat' p̄iuriā in illo content' et contr' form̄ statuti inde edit' et p̄uis. &c. ac contra pacem &c.

An Indictment for fishing in a mill pond waters, with hookes and other engines.

Sect. 242 INquiratur p̄ dña reg. si T. W. de M. in Com̄ p̄d' Labor', et H. I. de W. in com̄ p̄d' Taylor, &c. 14. die April', an̄ &c. ac diuſis tēpor' ante p̄d' diē et postea apud H. p̄d' in com̄ p̄d' vi et armis in vno stagno ibid' voc' Hilnepoole libr' tenēt R. D. gen' cum hamis et alijs engen' pisc' et diuersos pisc' ceper' ad graue damn' pred' R. D. ac contra pac' &c.

An indictment where one is indicted as principall actor, and one other for being present, and for abbetting, procuring, and comforting of the murderer to doe the same.

Sect. 243 INquir' p̄ dña reg. si I. G. alias G. nuper de &c. xv. die &c. apud H. in com̄ p̄d' vi et armis, viz. baculis &c. felon̄ vt felo dict' dñe reg. ac ex malit' sua p̄cogit' in quend' I. O. alias D. apud H. p̄d' adtunc et ibid' in pac' dei et dict' dñe reg. exist' insult' fecer. Et pred' I. G. alias G. p̄ falcast' angl' a forest bill, precij 4. d. p̄ id' I. G. in man' suis tunc & ibid' tenebat dict' I. O. alias D. apud H. p̄d' ex malitia sua p̄cogit' super sinistr' partem capitis sui p̄cussit vsq; ad cerebr' dās eid' I. O. alias D. vnā plag' mortal', de qua quid' plaga mortali p̄d' I. O. a p̄d' xv. die Martij an' suprad' vsq; ad xxj. diē eiusd' Martij, an' p̄d' languid' iacebat, quo quidē xxj. die Mar' p̄d' I. O. alias D. apud H. p̄d' obijt. Et sic pred' I. G. alias G. die & an̄ p̄d' apud H. pred' ex malit' sua p̄cog' felon̄ interfec' & murdr' cōtr' pac' dict' dñe reg. coron̄ & dignit' suas. Et p̄ pred' W. G. alias G. die & an̄ pred' apud H. felon̄ pred' fuit presens & vt felo dict' dñe reg. abettan̄ p̄cur' & confortans et cum prædict' I. G. alias G. die et an' pred' in form̄ pred' fact' vi et armis accontr' pac' dict' dñe reg. coron' et dignit' suas &c.

An indictment of murder.

Sect. 244 INquiratur p̄ dña regin', si T. H. nuper de E. in com̄ Chestr' Labor', vicesimo die &c. circa horā sext' post meridiē eiusd' diei apud T. p̄d' in com̄ pred', vt felo dict' dñe reg. ex malitia sua p̄cogit' et de insult' præmedit' vi et armis quend' R. B. nuper de T. p̄d' in com̄ p̄d' yeom̄, adtunc et ibid' in pace dei et dict' dom̄ reg. existen' insult' fec' et cū quodam baculo, anglice voc' a pitch staffe, precij 4. d. p̄ ipso in manib' suis adtunc et ibid' tenuit pred' R. B. sup̄ caput suū felon̄ percussit dans ei adtunc et ibid' vnam plag' mortal' longitud' duor' pollicium in sinistra parte capitis sui vsq; ad cerebr', de qua quidē plaga mortali præf. R. B. languid' iacebat vsque ad &c. extunc proxim̄ sequen' : Quo quidem 19. die Jan. Ann' &c. idem R. B. apud T. p̄d' in com̄ p̄d' ex ipsa plaga ei dat' modo

et

& forma p̄d̄ moriebat, & sic idem T. H. vt felo dict' d̄n̄m p̄d̄ R. B. felon' interfecit & murdr' contr' pac' dict' dom̄n reg' coron' et dignit' suas.

An Indictment of Burglary by a woman in the night time, putting the houſe-hold in feare, intending to haue robbed them.

INquiratur pro domina reg', si O. I. de G. in com̄ C. spinſter, sep̄t die Apl̄ ann' &c. apud C. p̄d' in com̄ p̄d̄ nocta̅t, viz. circa horā vndecim̄ post meridiem eiusd̄ diei, domū cuiusd̄ I. B. apud C. p̄d' vi et ar' &c. felon̄ ac burglariter fregit & intrauit, ea intentione ad fur' ad' bonaⁿ catt' ipsius I. ac cunct' I. in pac' Dei & dict' d̄n̄e reg' adtunc & ibid' in lecto suo existen̄ felon' et burglariter in timore vitæ suæ posuit contr' pac' dict' dom̄n reg' coron' & dignit' suas. Sect. 245.

An Indictment for treſpaſſe done in a corne field.

IVratores p̄sentant &c. q̄ W. C. nuper de T. in com̄ p̄d̄ Laburer, P. P. &c. xxviij. die &c. anno &c. vi & armis clausum I. N. apud S. in com̄ p̄d̄ in quodā campo voc' S. field fregerunt et intrauer', & tres quarterios frumenti ipsius I. W. ad valenc' trium libr' adtunc & ibidem crescen' cum quibusd' bigis siue carectis equis et pedibus suis ambulando conculcauerunt & consumpser', & alia enormia eis inualer' contra pacem &c. Sect. 246.

An Indictment of manſlaughter before the Coroner of the Verge for the death of a man, upon the view of the dead body.

INquisitio capt̄ apud W. L. in com̄ Surrey infra virgam xij. die Maij, Anno &c. coram T. W. gen' Coronator hospitij dict' dom̄n Regine sup̄ visum corporis I. B. nuper de W. L. in com̄ Surrey Yeoman, ibid' jacen̄ mortui & interfecti p̄ sacramentū &c. Qui dicunt super sacramentū suum q̄ ita accidit q̄ 19. die Maij, ann̄ &c. apud Southwarke in com̄ Surrey infra virgā p̄d̄ I. B. veniebat in quendam campum ibid' voc' S. Georges field circa horas 4. vel 5. post meridiem eiusd̄m diei, & quod postea dict' decimo nono die Maij, anno &c. apud S. p̄ræd̄ in com̄ Surrey p̄ræd̄ infra virgam inter horas 5. et 6. post meridiem eiusd̄ dec' nono diei Maij R. L. nuper de West. in com̄ Midd' alias dict' R. L. de W. in com̄ Midd' Yeoman, veniebat et intrabat in campum p̄d̄ voc' &c. et ibid' videns et percipiens dict' I. B. tunc esse in campo illo, ambulabat in campo illo versus locum vbi p̄d̄ict' I. B. tunc ibidem fuit, & p̄ræd̄ I. B. tunc et ibidem jacens super terram ac videns et percipiens dict' R. L. venire cum veniens a terra p̄ræd̄ ibid' surgit eo, idem I. B. tunc et ibidem duos gladios voc' Rapiers in manus suas viz. in quamlibet manum vnum gladium. Et tunc et ibidem R. L. cepit vnum gladium de ferro & calibu ad valenc' quinque solid' ipsius R. L. in manum suam dextram, & notam [illegible] manum

manum ſuam ſinistram, adtunc & ibidem idem A. et R. inſimul pugnauer cum gladijs ſuis pd', & ſic pugnans idem I. ipſum R. tunc & ibid' ſup finiſtr' tibiam dict' R. cum vno gladior' ſuor' pd' voc' Rapiers percuſſit et vulnerauit, vnde ex quibus pd' R. ad terram ibid' cecidit. Ac poſtea dictus R. 19. die Maij anno pd' apud S. pd' in com' pd' infra virgam pd' ſubito ſurrexit & idem R. tunc & ibid' cepit gladium ſuum pd' in manum ſuam dextr' ac vi & armis, viz. cum gladio ſuo pd' quem ipſe R. in manu ſua dextr' tunc & ibid' tenuit 19. die Maij, anno &c. apud S. in com' S. pd' infra virgam in pd' campo voc' &c. inter pd' horas 5. et 6. poſt meridiem eiuſdem 19. diei Maij, idem R. in ipſam I. B. tunc & ibidem exiſtent inſultum fecit & tunc et ibid' cum gladio illo quem ipſe idem R. tunc et ibidem in manu ſua dextra tenuit ipſum I. verberauit, ac gladium illum pred' R. tunc & ibid' felonicè & voluntariè in corpus dicti I. percuſſit & impoſuit dam eidem I. B. felonicè & voluntariè cum gladio illo in ventre ſuo in et per corpus eius dampnum dict' I. vnam plag' mortalem profunditat' 4. pollicum & latitudinis duor' pollicum, de qua quid' plaga mortali idem I. apud W. L. in com' S. infra virgam poſtea languebat à dicto 19. die Maij, anno &c. vſque 20. diem dicti menſis Maij tunc proxim' ſequen'. Quo quid' 20. die Maij idem I. B. apud W. pred' in com' S. pd' infra virgam inter horas 3. & 4. ante meridiem eiuſdem vicesimi diei dicti menſis Maij anno &c. ex plaga mortali pd' obijt. Et ſic Iurat' predict' dicunt ſuper ſacramentum ſuum, Quod dict' R. L. alias dictus &c. dicto 19. die Maij ann' &c. apud S. pred' in com' pd' infra virgam vi et armis, viz. cum gladio pd' quem idem R. L. alias dict' R. L. in manu ſua dextra tunc & ibid' tenuit ipſum I. B. felonicè & voluntariè percuſſit, interfecit & murdrauit modo & forma pd' contra pacem dicte domine regin', Coron', & dignitat' ſuas: Et ſic idem Iurat' ſup' ſacramentum ſuum dicunt, quod predict' I. B. modo et forma pred' ad mort' ſuam deuen', et non aliter nec alio modo. Et quæ bona catalla terr' & tenement' idem R. tempore felonie & murdri predict' fact' habuit vel adhuc habet, idem Iurat' penitus ignorant.

An Indictment where a felon ſuſpected for ſtealing two oxen, is committed by a Iuſtice of Peace vnto the gaole, and is deliuered to two, to be conueyed vnto the gaole, which ſuffer the felon wilfully to eſcape away.

Sect. 248 INquiratur &c. Quod cum quidam W. H. ar' vnus Iuſtic' pacis dicti domini regis in com' pd' 20. die &c. circa horam 10. in nocte eiuſdem diei apud S. in com' predict', virtute officij ſui & literar' patent' dicti domin' regis eid' W. direct', quendam I. mp' de &c. adtunc et ibidem arreſtauit & attachiauit pro ſuſpitione felonie per ipſum I. ante fact' & perpetr', viz. pro duobus bobus coloris &c. precij &c. de bonis & catallis cuiuſd' R. I. per pd' I. felonicè capt' & abduct'. Et poſtea eundem I. die, ann', hor', & loco

loco supradict' vt pred' est arrestat' pred' W. H. adtunc et ibidem commisit & libertauit saluo custodiend' quibusd' I. B. & R. D. nuper &c. in comit' &c. et specialiter requisit' fuerint ex parte dicti domini regis p̄ p̄fat' W. H. ad saluo et secur' custod' & conducend' ipsum I. B. vsq; gaol' ipsius dñi Regis com̄ p̄d' ibid' morat' quousque per debitam legis formam exoneret' et deliberet', p̄d' tamen I. et R. machinant' p̄d' I. in felon' p̄ ipsum fact' fauorabiliter ipsum I. a custod' sua pred' qui sic detentus fuit adtunc et ibid' felonice et voluntarie ad largum suum quo voluit felon' abire et euadere premisit contra pacem &c.

An Indictment where one is committed to prison to a Serieant at Mace by the Bayliffes of a towne, for resistance, disobeying and disturbing them for doing of their office, escapeth out of prison, and goeth away out of the same.

INquirat' &c. Quod cum quidam D. E. de &c. die Martij, viz. quinto die &c. apud P. in com̄ pred', com̄issus fuit per R. I. gen' vn' ball' vill' de P. p̄d' et H. L. gen' deput' I. B. gen' al' ball' eiusd' vill' in gaola & fine prison' villæ p̄d' p̄ quibusdam resistenc', disobedienc' et malefact' p̄ ipsum D. E. versus ipsum R. ball' in execution' officij sui virtute literar' dñi regis eid' R. direct', ibid' moratur sub salua custod' M. vni' seruientiū ad clauē ad villā p̄d' quousq; p̄d' D. inde deliberaretur et dimissus esset p debitam legis formam: si p̄f. D. circa horā 12. in nocte eiusdem diei anno supradict' regn' Regis p̄d' prison' in qua detent' fuit eiusdem diei anno supradict' reg. regis pred' prison' in qua detent' fuit vt p̄d' est adtunc & ibid' malitiose & min' iuste fregit & ab hmi prison' sine aliqua licencia euaserit & escapuit contra formam statuti dict' dñi regis ædit' & p̄uis. & contra pacem dict' dominæ reginæ &c. Sect. 249

An Indictment of forcible entrie into a messhage, with the appurtenances, vpon the Statute of 8. H. 6. against diuers persons wherein the Statute is not recited.

INquis' &c. Si A. B. et C. D. nuper de &c. assumpsiss' et associat' eis alijs malefactorib' et pacis dñi reg. purbatorib' modo guersin' arraiat' ad numerum 12. personar' quorum nomin' presens iurat' ignoramus decimo die &c. apud D. &c. vi et armis, viz. baculis gladijs cultellis fal' castris lapid' et alijs armis defensiuis et inuasiuis in vnum messuagium cum pertinen' super pacificam possession' T. P. intrauit et dict' P. a possessione sua pred' expulerunt & disseisiuerunt et eundem T. sic expulsum et disseisitum a pred' messuagio cum pertinen' vi et armis pred' ac manifesti extraxerunt et adhuc extrahent contra pac' dicti dñi regis et contra formam statuti domini Hen. nuper Reg. Anglie 6. Anno regni sui 8. vinde ædit' et prouis. Sect. 250

An Indictment upon the statute of Anno. 5. Eliz. against such as vse any mistery or occupation, not being an apprentice to the same for 7. yeares.

Sect. 251 IVratores presentant p̄ domina Regina, q̄ cum in Parliament domin̄ reginæ nunc tent̄ apud Westm̄ 8. die Maij, Anno regni sui 5. inter alia stabilitat fuit, quod post primum diē Maij tunc proxime sequent̄ non liceat alicui personę siue personis erigere, occupare, vti vel exercere aliquam artē mysteꝝ siue occupation̄ adtunc vsitat̄ vel occupat̄ infra reg. Angl' vel Wallię si non educat̄ in eadem tanquam apprentic' p̄ spacium septem annoꝝ ad minus, nec alicui personæ opus tradere in huiusmodi mysterio, arte siue occupatione, si non ead' persona fuit apprentic' aut tunc fuit exercit̄ in mysterio pred' tanquam apprentic' vt pred' est, sub pœna quod quælibet persona voluntarie offendens vel contrariū faciens forisfaciat pro qualibet tali defalta 40. s. pro quolibet mense prout in statut̄ pred' plenius liquet & apparet: quidam tamen I.S. statut̄ pred' ac pœnam in eodem content̄ minime verens siue ponderans non existen̄ apprentic' primo die Iulij, Anno quinto supradicto dn̄ę Regin̄ nostræ nunc coron̄ vsq; diem captionis huius inquisitionis scilicet p̄ quatuor menses apud A. in Com̄ M. pred' occupauit vel exercuit artem, mysterium siue occupationem in dict' dn̄æ Reg. nunc contemptum ac contra formam statuti p̄dict'.

An Indictment for a riotous and vnlawfull assembly, putting men in feare, and doing of trespasse, and plowing in a close.

Sessiꝰ Pacis generalis domin' Regin' tent̄ apud Midd' in Comit' pred' die Martis, viz. quarto die &c. Ann. &c. coram H.C. milit' G.C. &c. al' Iustic' Pacis in Com̄ pred'.

Sect. 252. INquisic' capt' ibid' p̄ Sacram T.O.B.D. &c. Iurat'. Qui super Sacram̄ suum inter alia presentant q̄ A.B. nuper de H. in Com̄ C. yeoman, E. D. &c. 22. die &c. Anno &c. vi & armis apud N. in Com̄ pred' riotose seipsos assemblantes & associantes adtunc & ibidem riotose quoddam clausum vocat' &c. cuiusdam R.C. armig' fregerꝝ & intrauerꝝ ac seruien̄. & tenentes ipsius R.C. adtunc & ibidem in clauso in opere faciend' ipsius R.C. existen̄ minaciter minat' & timerent̄ ac herbam ipsius R.C. adtunc & ibid' crescen̄ cum quibusdam aurijs non solū depast' fuer̄ conculcauerunt & consumpserunt sed eciam pred' clausum cum bob' & atarro arauerunt et subuerterūt & alia enormia p̄t. R.C. fecerunt in dict' dn̄ę reginæ contemptum manifestum & ipsius R.C. damnum notorium & aggrauamen, ac contra pacem dict' dn̄æ reginæ.

An Indictment of a Prieſt for ſaying of Maſſe in the Veſtry of a church.

INquirat̃ p̃ domina Regina, ſi G.O. nuper vicari' de W. in p̃cib' de L. in Com̃. p̃d' Clericus 16. die Martij mane in aurora eiuſd' diei Anñ regni Elizab. &c. ſexto apud W. pred', in quodam loco vocat̃ the veſtrie houſe, iuxta eccleſiã Parochialẽ de W. p̃d' voluntar̃ vſus fuit priuatim alio ritu, ceremonia, & forma celebrationis Cœn̄ dn̄æ voc' the Lords ſupper, quam in quodam intitulat̃ libr̃ communis precationis et adminiſtrationñ Sacramentorũ & aliorũ rituum & ceremoniar̃ Eccleſiæ Anglican', auctorizat̃ p̃ actus Parliament' tent̃ in annis 5. & 6. dñi Reg. Edw. ſexti nuper Regis Angliæ declar̃ & mentionat̃ exiſtit, viz. dicend' & celebrand' vnam priuatam Miſſam, contra formam ſtatuti. Sect. 253

An Indictment for moving the Duke of Somerſet and other ſubiects to rebellion againſt the king, and to take and impriſon the Duke of Northumberland, the Marqueſſe of North. and the Earle of Penbroke being of the K. Priuie Conncell.

INquir̃ &c. Quod T. A. nup̃ de L. Miles deum præ oculis non habens ſed inſtigatione diabolica ſeduct̃ Anno regni Edw. 6. &c. 5. & diuerſis diebus & vicib' antea & poſtea apud Sion in com̃ Middl' & apud diuerſa alia loca in dict' Comit̃ Middl' felonice fact' dict' dñi regis p̃ aperta verba p̃curauit mouit & inſtigauit Edw. Duc̃ Somerſet, ac quã plures alios ſubditos dict' dñi regis ad inſurgendũ et ad apertã rebellionñ & inſurrectionem infra hoc reg' Angl' mouend' contra ipſum dominum reg' & adtunc & ibid' felonice capiend' & impriſonand' prenobilẽ Iohañ ducem Northumb' tunc com̃ Warr̃, Will' Marchionẽ Northampt̃, & Will' comitẽ Penbroke adtunc Willhelm̃ Harbert, ipſiſque duce Northumb. Marchionñ & Comit̃ Pembr̃ de priuat̃ Conſilijs dicti dñi regis adtunc exiſtẽ contra dicti dñi regis Coron' & dignitat̃ ſuas & contra formam ſtatuti in hm̃i caſu edit̃ & prouiſ. Sect. 254

An Indictment of Extortion againſt an Eſcheator.

INquir̃ p̃ domina regin', ſi R. G. nuper de O. in Com̃ Warr̃ die & anñ &c. colore officij Eſcheatoris in com̃ Leic' exegit & extortione cepit apud H. in dict Comit̃ L. de Griffino R. nouem modios tritic' ad valenc' 23. s. 4. d. de bonis & catallis dict' Griff. ad p̃nicioſum exemplũ aliorũ malefact' ad graue damnum ipſius G. & contr̃ formã diuerſor̃ ſtatut̃ &c. & contra pacem &c. Sect. 255

An Indictment againſt one for publiſhing that the Queene had two or three children by the Lord R. D.

IVr̃ &c. quod I. nuper de W. in Com̃ pred', Laborer, Deum præ oculis non habens ſed inſtigatione diabolica ſeduct' quinto die &c. Anno Sect. 256

&c.

&c. apud N. narrauit et publicauit de dicta dña regina nunc hæc falsa sediciosa & scandalosa verba Anglicana sequen, viz. That the Queene hath had by the Lord innuēd' R. D. noobilis ordinis garterij Milit dominū D. two or three children, contra ligeanc' & debit' sua, in magnum scandalum & contemptum dict' dñæ reginæ nunc coron et dignitat' suas, & contra formam statuti &c.

An Indictment of one as a common Barretor, a stirrer vp of strife and contention, and a troubler of peace.

Sect. 257. INquiratur pro domina Regina, Si I. B. nuper de S. in Com &c. yeoman, 25. die Maij Anno &c. apud S. pred' necnon diuersis diebus & temporibus tam antea quam postea fuit cōmunis barrectat' & pacis ꝑturbator ac diuersas lites contumelias & discord' in diuersos dict' dñæ regin' subdit' adtunc & ibid' et alibi in Com pred' iniuste mouebat, procurabat, et excitabat, in dict' dñę regin, nunc contemptū et ad graue dānū populi dict' dñæ reginæ, necnon contra formam diuersorum statut' &c. ac contra pacem &c.

An Indictment for clipping and filing of gold and siluer, and vttering of the same.

Sect. 258 INquiratur &c. Si E. D. de ciuitat' Couent' pedler, die & anñ &c. ac diuersis dieb' ant' & postea Ciuit' pd 30. pec' auri vocat' royals, ac 300 pecias argent' vocat' groats, bon et legal' monetæ Angl' & cunagij dict' dñæ regin' ꝑ lucri causa falso, felonice et ꝑditorie totondit & filauit: Ita q' per tonsionem & filacionem illas quelibet pecia auri inde de xij.d. in suo debit' pondere diminuebatur. Ac quelibet pecia argenti vocat' groats, inde vno obulo in debito suo pondere diminuebatur, & monetā illam in form pd' tonsam & filat' diuersis ligeis dict' dñę regin' apud ciuitat' pred' in Com pred' falso, felonice & ꝑditorie exposuit et vtterauit contra formam statuti &c. ac contra pacem &c.

An Indictment for enclosing of 20. acres of pasture out of a common field, in the which all the inhabitants of L. haue vsed time out of mind to haue common of pasture for all maner of cattell.

Sect. 259 IVratores presentant &c. Quod Ed. C. nuper de L. in Comitatu pred' generos. G. C. nuper de L. &c. decimo die &c. Anno &c. necnon diuersis diebus & vicibus tam antea quam postea, vi & armis &c. xx. ac' pasturæ cum pertinentijs in L. predict' in aperto communi campo ibidem, in quibus omnes inhabitantes villæ prædict' à tempore cuius contrar' memoria hominum non existit, vsi fuerunt & consueuerunt habere communiam pasturæ pro omnibus animalibus suis omni tempore

pore anni imperpetuum, cum ſepibus & foſſatis incluſuerunt, & eaſdem viginti acras ſic incluſas à p̄d' 10. die Apr̄ anno ſuprad' vſq; diem captionis huius inquiſitionis cuſtod' & adhuc cuſtodiuit in malum & perniciosum exemplum aliorum ligeorum dict̄æ dominæ regin̄, & contra formam diuerſorum ſtatut̄ &c. Ac contra pacem &c.

An Indictment of wilfull murder of a woman.

INquiratur &c. ſi T. L. nuper de W. in comitatu &c. Laborer, Deum præ oculis non habens ſed inſtigatione diabolica ſeduct' 30. die April' Anno regni Elizabethæ &c. circa horam nonam eiuſdem diei vi & arm̄ apud W. præd' ex malitia ſua p̄cogitat' in quendam Marg' T. adtunc & ibidem in pace Dei & dictæ dominæ reginæ exiſten' inſultum fecit et ipſam Marg' cum quodam baculo ad valenc' &c. quem idem Th. in manibus ſuis adtunc et ibidem tenuit, verberauit, et vulnerauit, et maletractauit. Ita q; præd' M. à præd' 30. die Apr̄ anno ſuprad̄ vſque ad quintū diem Maij tunc p̄xim̄ ſequent̄ languebat, quo quidem quinto die Maij, anno ſuprad̄ præd' M. apud W. præd' de verberatione, vulneratione & maletractatione pred' adtunc et ibidem obijt. Et ſic præd' Th. præd' M. modo et forma præd', ſcilicet, apud W. præd' die et anno præd' felonicè et voluntariè interfecit et murdrauit contra pacem &c. Sect. 260.

An Indictment of murder, and the murtherers flying after the ſaid murder committed.

INquiratur pro domina regina, ſi T. Barbour nuper de C. in com̄ &c. die et anno &c. vi et armis &c. ex malitia ſua præcogitat̄ apud D. in comitatu prædict' in quendam W. W. adtunc et ibidem in pace Dei et dictæ dominæ reginę exiſten̄ inſultum fecit et ipſum W. adtunc et ibid̄ exiſten̄ verberauit, vulnerauit, et maletractauit, ac ipſum W. cum quodā baculo ad valenc' &c. quem idem T. B. adtunc et ibidē in manu ſua dextra tenebat præf. W. ſupra ſiniſtram partem ſibiq; ſinè felonicè percuſſit, dans ei plagam mortalem: Ob quam quidem plagam mortalem præfat W. à præd̄ viceſimo die &c. anno &c. vſque ad octauum diem Iulij tunc p̄xim̄ ſequent̄ languebat, et de eadem plaga mortali præd̄ W. &c. apud &c. præd̄ viceſimo die Iulij anno ſupradicto moriebatur. Et ſic predict̄ Tho. B. præd̄ W. præd̄ 8. die Iulij, anno ſupradicto apud B. p̄d' felonicè murdrauit et interfecit, contra pacem dictę dominæ reginæ &c. Et poſt felon̄iam et murdrum ſic per præf. Tho. B. ibi fact', prædict̄ Tho. B. ob eandem felon̄iam et murdrum p̄d immediatè fugiebat, contra pac' &c. Sect. 261.

An Indictment of Riot, the riotors weaponed with diuers weapons, and armed with priuie coates for breaking and entring into a house, taking and spoiling of goods, beating and wounding of diuers in the house, breaking of a chest, and taking out of it fiue siluer spoones, and taking, spoiling, and carrying away of Oates out of a Barne.

Sect. 262 INquiratur &c. si I.S. decimo die &c. anno &c. vi et armis, videlicet, baculis, gladijs, & cultell' necnon tunicis priuatis & modo guerrino arraiat apud W. in com̃ p̃d̃ domum cuiusd̃ Christopheri B. apud W. p̃d̃ in com̃ p̃d̃ riotosè et manuforti fregerunt et intrauerunt, & in T. B. F. B. &c. adtunc et ibid̃ inuenk in pace Dei & dict̃æ dn̄æ regin' existen̄ insultum fecerunt & affraiam ibid̃ riotosè fecerunt & ipsos T. F. &c. adtunc & ibid̃ in paee Dei et dict̃æ dominæ Reginæ inuenk existen' verberauerk, vulneraverk, et maletractauerk. Ita q̄ ipsi de vita ipsorum desperabantur, ac bona et catalla p̃d̃ C. B. ad valenc' 30. li. in domo sua p̃d̃ adtunc inuenk riotosè ceperunt et spoliauerunt et asportauerunt, ac cistas ipsius C. in domo sua p̃d' tunc existen̄ riotosè fregerunt, & sex cocleat' argenti ad valenc' xl. s. de bonis et catallis ipsius Christopheri adtunc & ibid̃ inuenk riotosè ceperunt & asportauerunt. Ac auenas ipsius C. tunc et ibidem in horreo suo inuenk riotosè ceperunt & spoliauerunt & asportauerunt, Ac alia enormia ei intulek in perniciosum exemplum ligeor̄ & subdit' d. dict̃æ dom̃ reginæ, ac contra formam diuersorum statut' &c. ac contra pacem &c.

And Indictment for the counterfeiting of the Queenes Letters Pat. to begge, and taking of the Queenes broad Seals from other Letters patents, and putting it to the counterfeit Letters patents.

Sect. 263. INquiratur p̃ domina regina, si I. D. nuper de M. in comitatu &c. Deū præ oculis non habens sed instigation̄ diabolica seduct' die &c. apud &c. deceptiuè falsò & p̃ditorie quas'd̃ falsas literas patent̄ script̄ de collect' deuotion̄ et charitat̄ p̃ populor̄ ipsius domin̄ Reginæ hunc tenorem continen', viz Elizabeth by the grace of God &c. Ac cum idem I. dict̃ falsas literas patent̄ sic vt p̃mittitur contrafeciſſet, idem I. p̃d̃ die &c. Anno &c. apud M. p̃d' in com̃ p̃d' quoddam magn̄ sigillū dict̃æ dom̃ adtunc p̃antea annex' & legitim̄ appositk irripuit & accepit, & illud sigillum dictis falsis counterfactis literis deceptiuè, falsò et proditorie apposuit et annex' & easd̃ literas sigillo illo subtilit̄ recludend̄ sigillauit. Et si magnum sigill' ibidem et adtunc voluntarie & p̃ditorie, contra fecit, falsificauit & fabricauit. Et idem I. postea s. z die, anno &c. apud M. in comitatu p̃d̃ ac diuersis alijs locis eiusdem com̃ diuersas denariorum summas diuersorum ligeorum dict̃æ dn̄æ Reginæ, virtute, & colore literarum præd̃ modo & forma prædict̃ contrafact' & sigillat̄ deceptiuè, falsò, & proditorie colligebat

ligebat habuit & recepit & ad vſum ſuum ꝓprium conuertit in malum & ꝓnitioſū exemplū ligeor eiuſd dom̃ Reg. ac conk̃ form̃ diuerſor̃ ſtatutor̃ in hm̃di caſu edit & prouiſ. & contra pacem dict' dominę Reginę &c.

An Indictment for the ſtealing of two geldings.

INquiratur &c. ſi G.W. nuper de W. in com̃ S. & R. B. nuper de W. ꝓd̃ in com̃ ꝓd̃ Labozer, vltimo die &c. Anno &c. vi & armis &c. apud N. in dicto com̃ S. vnum ſpadonem coloris gray ꝓcij &c. Ac alium ſpadonem coloris &c. ꝓcij &c. de bonis & catallis cuiuſd ignoti adtunc & ibid̃ inuenk̃ feloñ furak̃ fuek̃, cepek̃ & abduxek̃ contra pacem &c. Sect. 264

An indictment for robbing of a Gentleman by the high way.

IVr̃ &c. Quod vbi I. B. de L. gen̄ xiij. die &c. Anno &c. fuit in pace dei & dict̨ dn̄æ Reg. in regia via apud paroch. S. Egidij in campis in com̃ Midd': ibi eodem die, & anno venerunt I.M. & R. H. nuper de &c. feloñ vt felones dict̃ dom̃n reg', & in ꝓd̃ I.B. inſultum fecek̃ et ipſum verberauek̃, vulneraueſ, & maletractauek̃. Ita q̄ de vita eius deſperabak̃ & xx.s. in pecunijs numerak̃ de bonis & catall' ipſius I.B. ſup ipſū I.B. adtunc & ibid̃ inuenk̃ & exiſten̄ feloñ cepek̃ & aſpork̃, conk̃ pac' &c. ac conk̃ form̃ ſtatuk̃ in anno dn̄i H. 8. 23. edit & prouiſ. Sect. 265

An Indictment for cutting of a purſe, and xx. s. in it.

INquiratur &c. Si T. C. de &c. Labozer, die &c. vi & arm̃ &c. apud C. in com̃ &c. xx.s. in pecun̄ numer̃ in quad' crumen̄ exiſten̄ de bonis & catall' cuiuſd' T. D. adtunc & ibid̃ inuenk̃ a ꝑſona ꝓf. T. D. cum quod̃ cultell' ad valenc' &c. quō id̃ T. C. in man̄ ſua dext̃ adtunc & ibid̃ habuit & tenuit feloñ ſcidit furak̃ fuit cepit & aſpork̃, conk̃ pac' &c. Sect. 266

An Indictment for taking away of a woman ſeruant.

INquiratur &c. Si W.K. de S. &c. die anno &c. loco &c. vi & arm̃, viz. gladijs & daggek̃ quend' Iſab. K. ſeruient R.Q. de F. in com̃ ꝓd̃ Spinſter, in ſeruic' dict' Richardi exiſten' & retenk̃ apud F. ꝓd̃ cepit & abdexit die & an̄ ſuprad̃, contra pacem dicti dn̄i regis nunc. Sect. 267

An Indictment for breaking and entring into a houſe, and burning of it.

INquiratur &c. Si D.S. de K. in comitat' pred̃ Labozer, tali die & anno &c. vi & armis &c. domum W.C. fregit & intrauit, & ex malic̃ ſua pre- Sect. 268

prȩcogitat, aduñc et ibidem existen dictam domum felonicè combussit contra pacem &c.

An Indictment for procuring a seruant to depart from his master, & for being a common procurer of seruants away from their services.

Sect. 269 INquiratur &c. si W.M. de N. in com̃ E. yeoman, die, anno & loco &c. procurauit et exhortauit I.C. seruient̃ R.S. in seruitio suo ibidē existen̄ abire ab eodem seruitio, cuius quidem procurationis protextu idem I.C. a seruitio R.S. tunc et ibid' recessit: Et quod idem W.M. est communis procurator seruient̃ diuersor̃ ligeor̃ domini regis, Ita quod ligei domiñ regis de eiusmod' seruient̃ ad negotia sua perimplend̄ multiplic' grauat̄ existunt, in dict' dñi regis contempt̄ et quamplurimum ligeorum dñi regis deteriorationem manifestam.

An Indictment for keeping of Hounds and Hunting, having not landes of the value of xl.s.

Sect. 270 INquiratur &c. si I.W.T.P. de &c. non habens ter̄ neq; tenement̄ ad valenc' 40.s. vltra repris. tenent canes venaticos & leporarios et eisdē vsi sunt venari in diuersis partib' iuxta C. viz. apud D. H. et alibi infra Hundred de C. venati sunt, ac lepores ac alia animalia ven' ceperunt contra pacem &c. ac contra formam statuti &c.

An Indictment for robbing of a Church.

Sect. 271 INquiratur &c. Si I.W. de &c. vi & armis &c. ecclesiam parochialem Sanct' Andr̄ Apostoli, apud S. in com̃ pred' fregerit et intrauer̄, ac xx.d. in pecunijs numeratis de bonis & catallis parochianor̄ parochiæ pred̄ in custod' W.F. & W.S. custod' siue gardianorum bonorum et catall' parochianorum parochiæ pred' existen̄ adtunc et ibid' felonice furat̄ fuit cepit et asportauit, contra pacem &c.

An indictment of two Sherifes of a citie, for suffering of a prisoner committed to them vpon suspition of felony to escape.

Sect. 272 INquiratur &c. Quod cum Robertus I. nuper de ciuitate Couentrie in com̃ ciuit̄ pred̄ yeoman, oct' die Nouembris, anno reg. Elizab. &c. p̄ suspitione felon̄ per ipsum R.I. preantea fieri & perpetrari suppositum apud ciuit̄ p̄dict' capt̄ & arrestat̄ fuit: Idemque R.I. eisdem die & anno apud ciuit̄ prędict' quibusdam Iohanni S. de ciuitate predict' Cotcher & Willihel' P. de ciuitate predict' Winer, vic' Ciuitat' prædict', ac custod' gaolę dictæ dominę reginæ infra Ciuitat̄ illam, ob causam pred' tradit̄ fuit saluo & secur̄ custod' quousq; idem R.I. a custod' illa secund' legem et consuetud' regni Angliæ à prisona illa deliberat̄ foret, si ijdem I.S. & W.P. die et anno supradictis apud Ciuitatem pred' in comitatu

Ciui-

Ciuit̃ p̃d', R. I. ad largum & extra gaolam & cuſtod' p̃d' felonicè et voluntariè exire permiſit, contra pacem dictæ dominę reginę &c.

An Indictment for ſtealing of Conies with nets, dogs, and ferrets.

INquiſ &c. Si I. W. die et ann' &c. vi et armis &c. clauſum cuiuſd' K. L. voc' &c. apud M. circa horam octauã in nocte fregẽ et intrauẽ, et vnã cuniculã cũ retib', canib', et venarijs voc' Ferrets, adtunc et ibid' inuenẽ ceperunt et aſportauerunt, ad graue damnum &c. et contra pacem &c. Sect. 273.

An Indictment of a keeper of a Gaole, for letting one committed to him vpon ſuſpition of felony, eſcape out of priſon.

INquiratur &c. Quod cum quidam I. B. de &c. die et anno &c. p̃ſuſpicione cuiuſd' feloñ p ipſum infra vill' p̃d ante tunc fieri et ꝓpetraẽ ſuppoſit̃, capt̃ et arreſtat̃ fuit apud villam p̃d, et eiſdem die et anno p̃d I. B. cuidam Tho. R. de villa et com̃ p̃d' yeoman, cuſtod gaolę dicti dom̃i reg' in dict' vill' de L. p̃d pro ſuſpituo feloñ p̃d ſaluo et ſecuẽ cuſtod' tradit̃ fuit quouſque idem I. B. à cuſtod illa ſecundũ legem et conſuet̃ regni Angliæ deliberat̃ foret: Si idem T. R. die &c. anno ſuprad apud villam p̃d in com̃ p̃d' I. B. ad largum et extẽ gaolam p̃d' negligẽt voluntariè et felonicè exire et euadere permiſit, contra pacem dictæ dom̃i reginæ &c. Sect. 274.

An Indictment for the ſtopping and turning of a water courſe in a towne, by reaſon whereof diuers mens lands be ſurrounded.

IVratoꝝ p̃ſentant &c. Quod T. R. nuper de S. yeoman, I. P. nup de S. yeoman, &c. primo die Ian' anno regni dict̃ dñę reg' ſecund, nec non diuerſis aliis diebus et vicibus, tam antea quam poſtea apud S. p̃d', quendam aquæ curſum obſtupauit et diuerit, p quod p̃d' aquæ curſus fluebat ſuper ſolum et liberum tenẽtum quorundam &c. ad graue damnum ipſor̃, nec non oĩum tenen̄ villæ de S. prædict', et in perniciosum exemplum aliorũ, ac contra formam ſtatut̃ &c. et contra pacem dictæ dominæ reginæ &c. Sect. 275.

An Indictment vpon the Statute of 8. H. 6. for a forcible entry into one rood of land, and aſſaulting and beating of one I. F. and keeping the ſame with force.

INquiratur pro domina Regina, Quod cum in Statuto in Parliamento Domini Henrici nuper Regis Angliæ ſexti poſt conqueſtum apud Weſtmonaſt. Anno regniſui octauo tent̃, edit̃, inter cætera continetur: qd ſi aliqua perſona de aliquibus terris ſiue tenement̃ manuforti expulſa Sect. 276.

ſit

fit vel diſſeiſit vel pacific' expellatur et poſtea manuforti extra teneat vel aliquod feoffament vel diſcontinuation inde poſt talem ingreſſum ſuum ad ius poſſeſſoris defraudand vel tollend aliquo modo fiat, habeat pars in hac parte grauat verſus talem diſſeiſitorem Aſsiſam nouæ diſſeiſinæ vel breue de tranſgr'. Et ſi pars grauat per Aſsiſam vel per actionem tranſgreſsionis recuperet per veredict' vel alio quocunque modo p debit legis formam inueniat qđ pars defendens vi ingreſſus fuerit, vel dicta tenementa p vim poſt ingreſſum ſuam tenuerit, recuperaret querens damna ſua ad triplum verſus defendentes. Et vlterius finem & redemptionem dñæ reginæ fac' prout in eodem ſtatuto plenius continetur: Quidam tamen I.W. de W. in comitatu p̄dict Yeoman, E.H. I.L. et alij ſtatūt p̄dict minimè ponderant, vij. die Martij, Anno &c. vi et armis, viz. baculis, gladijs, et fuſtib' ſeipſos aſſemblauerunt, congregauerunt, et coadunauerūt. Et ſic aſſemblat, congregat, et coadunat exiſtēs modo guerrino arraiat riotosè & illicitè in vnam rodam terræ liberi tenementi cuiuſdam G. B. gener apud W. in quodam loco vocat Catemore dale in comitat p̄dict ingreſsi fuerunt. Et in quoſdam I.F. et I.W. adtunc et ibidem inſultum et affraiam fecerunt, verberauerunt, & maletractauerunt, et ipſum G.B. de eadem roda terrę manuforti expulerunt. Et ipſum G.B. ſic expulſum inde manuforti extra tenuerunt et adhuc extra tenent in dictæ dominæ reginę nunc contemptum et ipſius G. graue damnum, ac contra formam ſtatuti p̄dict. Et contra pacem dictæ dominę reginæ &c.

An Indictment for murdering of a man child newly borne, which is murthered by the mother.

Sect. 277. INquiratur p̄ dña Reg', Si E.B. nup de T. in com &c. ſpinſter 29. die &c. Anno &c. apud T. p̄d adtunc et ibid quendam infantem maſculinum vium pepit. Et poſtea p̄d E. apud T. p̄dict infantem vium adtunc et ibid' cum digitis ſuis ſup caput ſuum dure tractand' per qđ infans p̄d immediatè moriebatur. Et ſic p̄d E.B. infantem p̄dict die et anno ſupradict felonicè interfecit & murdrauit cont pacē dictæ dom̄ reginæ nunc &c.

An Indictment for hunting in a Parke paled, and for killing and carrying away of a Bucke and a Doe in the night time.

Sect. 278. IVrat̄ p̄ſentant &c. quod cum in ſtatut in Parliamento dominæ Reginę nunc tent apud W. Anno regni ſui quinto inter alia inactitat, ſtabilitat et ordinat exiſtit. Quod ſi aliqua perſona ſiue perſonæ poſt feſtum Pentecoſtes Anno r. ſupradicto in die vel in nocte, iniuſtè vel illicitè fregerit, fregerunt vel intrauerunt in aliquod parcum impalatum vel ſepibus incluſum ad ſeruand vel ſuſtentand' ferat, vlitat, & ibidem iniuſtè venatur

venatur vel venantur, ceperit aut ceperint, occiderit aut occiderint, aliquas feras infra aliquod hēndi parcū impalat vel ſolum incluſum & pro feris vſitat modo & forma p̄d & indę debito modo conuictus fuerit aut fuer ad ſectam dictæ dn̄æ Reg. vel partis in hac parte grauat. Q̄d tunc ead̄ perſona ſiue perſon̄ ſic inde conuict' pœn̄ corpor ſiue corpor ſuorū per impriſonament ſubeat & ſubeant p ſpacium 3. menſium, & reddat & reddant, ſoluat & ſoluant parti grauat̄ damna ſua ad triplum. Et poſt p̄d tres menſes complet inueniat & inueniant ſufficient ſecuritatem pro ſua vel ſuis bene geſtur & geſtur p ſpac' 7. annor tunc proxim̄ ſequend erga dict' domin̄ Reg. hæred & ſucceſſor & cunctum popul' ſuum, aut remanebit ſiue remanebunt & continuabunt ſemper in priſon̄ ſine balliua vel manucaption̄ donec ille vel illi delinquen̄ poterit vel poterint & inuenerint, tres tales ſufficientes ſecuritates durante termin̄ 7. annor vt ſupradictum eſt prout in ſtatut p̄d plenius continetur: Quidam tamen W.W. T.M. &c. de &c. ſtatut p̄d minimè ponderant poſt p̄d feſt. P. ſcz. 3. die Iunij anno &c. circa horam 1. in nocte eiuſdem diei vi & armis &c. parcum impalat & pro feris vſitat cuiuſdam I.S. al̄ vocat Hopwell Parke apud Hopwell in Com̄ p̄d fregerunt & intrauer, & vnum Damam maſculinum & vnam Damam femalem adtunc & ibm̄ in eod̄ parco inuent & exiſten̄ ceperunt, interfecerunt & aſportauerunt, contra formā ſtatuti prædict' ac contra pacem &c.

An Indictment of Burglary, for breaking of a dwelling houſe in the night time, to the intent to haue robbed the ſaid houſe, and for beating and putting in feare diuers in the ſame houſe.

INquiratur p̄ dn̄a Regina, ſi I.P. nup de &c. 20. die &c. vi & armis &c. circa horā 10. in nocte eiuſd̄ diei domū manſional' cuiuſd' D.B. de L. p̄d in Com̄ p̄d H. apud L. p̄d ea intention̄ ad ſpoliand eund̄ D. de bonis & catall' ſuis in ead̄ exiſten̄ felon̄ & burglar fregit & intrauit, & eund̄ D. & quendā I.B. filium p̄d D. & E. vxor eius in domo p̄d in pace Dei & dict' dn̄æ Reg. adtunc & ibm̄ exiſten̄ verberauit, vulnerauit, & male tractauit, & in corporali timore & maxim̄ metu & piculo vitar ſuarū adtunc & ibm̄ poſuit, contra pacem &c. Sect. 279

An Indictment of Burglary, for breaking of a dwelling houſe in the night time, and the putting of them in the houſe in feare, and for the felonious taking out of the ſaid houſe 1200. li. in money, and a Chalice of Siluer parcell gilt.

INquiratur pro dn̄a Regina, ſi T.W. de B. in Com̄ &c. ſexto die &c. Anno &c. circa horam primam in nocte eiuſdem diei domum manſionalem Sect. 280

ſionalem cuiuſdam I.B. apud W. in comit̃ p̃d̃ felon̄ & burglar̃ fregit & intrauit ac ipſum I.B. adtunc et ibid̃ in eadem domo manſionali in corporali timore poſuit ac mille et centum libr̃ legalis monetæ Angliæ in pecuniis numerat̃ et vnam calicem argent̃ parcell' aurat̃ voc' a challice of ſilver parcell gilt, ad valenc' 4.li. de denariis & de bonis & catallis I. B. in eadem domo manſionali adtunc et ibidem inuent̃ felonice cepit et aſportauit contra pacem dict̃æ dn̄æ reg' coron' & dignitat̃ ſuas.

An Indictment for breaking of a barne, and taking out of it foure buſhels of Barley.

Sect. 281 INquiſ̃ &c. ſi I.S. &c. horreū cuiuſd̃ I.C. de Sutton magn' in com' p̃d̃ adtunc & ibidem burglar̃ fregit & intrauit, et quatuor modios hordei Ang' voc' a quarter of barley, ad valenc' vi. s. iiii. d. de bonis et catallis prædict̃ I. C. adtunc & ibidem inuent̃ burglariter & felonice cepit, abduxit, & aſportauit, contra pacem &c.

An Indictment for breaking of a Milne, and taking out of the ſame a ſacke and ſix buſhels of Wheat.

Sect. 282 INquiſ̃ &c. ſi I. S. &c. vi & armis domū mot̃endin' W. H. apud C. in poch' de D. in com' p̃d̃ voc' Clark mill, burglar̃ fregit et intrauit et vnū ſaccū p̃cii &c. et ſex modios tritici voc' 6. buſhels of wheate, in ſacc' ibidē exiſtēn̄ p̃cii 20. s. de bonis & catallis p̃d̃ W. H. adtunc et ibidem inuent̃ die, ann' & loco ſuprad̃ felon' cepit & aſportauit conf̃ pacem &c.

An Indictment for the felonious taking of ſix paire of ſheets, twelue diaper napkins, and one ring of gold.

Sect. 283 INquiratur &c. ſi I. B. vi et armis 6. paria linthearum voc' Sheets, ad valenc' xl. s. 12. mappas de diaper voc' table napkins, ad valenc' xl. s. vnū annulū de auro cuiuſdam I.S. apud H. p̃dict' dict' die et anno adtunc et ibidem inuent̃ felonice cepit et aſportauit contra pacem &c.

An Inditement for the felonious taking of a cup of ſilver parcell gilt in the iſle of Wight.

Sect. 284 INquiſ̃ ſi I.S. vi et armis vnā Cypham argent̃ parcell' aurat̃ Angl' voc' a cup of ſilver parcell gilt, ad valenc' 4. li. de bonis et catallis E.W. apud M. infra inſolam V. in com' prædict' adtunc et ibidem inuent̃ felon̄ cepit et aſportauit contra pacem &c.

An Indictment for receiuing, aiding, and comforting of a felon knowing him to haue done a felony.

Sect. 285 INquiratur &c. ſi R. S. ſciens p̃fat̃ I.R. felon' prædict̃ in form' p̃d̃ feciſſe. et perpetraſſe eund̃ I. 20. die &c. anno &c. in comitatu predicto felonice recepit auxiliatus fuit & confortauit contra pacem &c.

An Indictment for ſtealing two Horſes of a mans vnknowne.

INquirat &c. ſi W.H. nup de F. in com̃ p̃d̃ &c. 1. equum coloris gray p̃cij &c. et 1. equum coloris &c. p̃cij &c. de bon̄ et catal' cuiuſd̃ homin̄ ignoti die et anno ſup̃d̃ felon̄ cepit et abduxit cont̃ pacem &c. Sect. 286.

An Indictment for aſſaulting and robbing of a man vpon the high-way of a Gelding and his purſe, and 20. ſ. of money in it, and for the taking of two Mares found in the high-way.

INquir̃ &c. ſi I.L. &c. vi et arm' in reg. via ducent̃ a W. vſq; ad B. in com̃ p̃d̃ in R.S. gen̄ adtũc et ibid̃ exiſt' in pace &c. inſult̃ fecit et 1. ſpadon̄ color̄ nigri p̃cij &c. et x.s. in pecun' numerat̃ exiſt' in 1. purſa valor̄ 1.d. exiſt' de bon̄ et catal' dict' R.S. apud B. p̃d̃ adtũc et ibid̃ in reg. via inuent̃, felon̄ cepit et abduxit, cont̃ pac' &c. et 2. equas color̄ &c. p̃cij &c. de bonis et catallis D.C. apud A. in Com̃ W. in reg. via ibid̃ adtunc et ibid̃ inuent̃ cepit et abduxit, contra pacem &c. Sect. 287

An Indictment for the robbing, beating, and wounding of one on the high-way, and taking from him 10.s.

INquir̃ &c. ſi I.S. &c. vi et arm' in quod̃ loco ibid' voc' the Aſhdownes croſt, in via reg. ibid' in A.B. inſult̃ fecit et ipſum adtũc et ibid' verber̃ vulner̃ et maletract' ita q̃ de vita ſua deſperabat̃ et x.s. in pecun̄ numer̃ ſup̃ p̃ſon̄ ipſi' A.B. adtunc et ibid̃ exiſt' de pecun' bonis et catallis p̃d̃ A.B. adtunc et ibid' inuẽt̃ felonice cepit et aſportauit contra pacem &c. Sect. 288

An Indictment for aſſaulting of a woman, and feloniouſly taking from her 5.s. 4.d. in money.

INquir̃ &c. ſi I.B. &c. vi et armis &c. in quand' E.C. apud C. in Com' p̃d̃ inſult̃ fecit et 5.s. 4.d. a perſon̄ ipſi' E. adtunc et ibid̃ inuent̃ felon' cepit et aſportauit, contra pacem &c. Sect. 289

An Indictment for ſtealing out of a cloſe foure Sheepe.

INquir̃ &c. ſi I.S. &c. vi et armis clauſum I.S. ſenioris gen̄ apud B. in parochi de D. in Com' p̃d̃ fregit et intrauit, et 4. oues p̃cij 5.s. de bonis et catallis ipſi' I. ibid̃ inuent̃ felon̄ cepit et aſportauit, contra pacem &c. Sect. 290

An Indictment for breaking of a houſe in the day time, and taking of 6.li. out of a cheſt, and againſt one for ayding and comforting the ſaid felon.

INquir̃ &c. ſi R.C. die &c. domum P.S. apud G. in com̃ p̃d̃ circiter horam 1. poſt meridiem eiuſd̃ diei fregit et intrauit ac 6.l'. in pecunijs numer̃ in quad̃ ciſta adtunc et ibid̃ exiſt' de bonis et catallis p̃d̃ P.S. apud C. in Com̃ p̃d̃ adtunc et ibid' inuent̃ felonice cepit et aſportauit Sect. 219

conꝫ pac' &c. Ac ſi G.L. &c. ſciens q̄ pf. R.B. felon̄ p̄d̄ modo & forma p̄d̄ ſic feciſſet ap̄ud E. p̄d̄ in Com̄ p̄d̄, die & anno ſup̄d̄ felonice abbettauit, confortauit, & concelauit, contra pacem &c.

An Indictment of murther committed by the father vpon his owne daughter with his fiſt.

Sect. 292 INquiſ' &c. ſi I.L. de &c. die & anno &c. apud &c. in quod' loco voc' E.T. in Com̄ p̄d̄, vi & armis &c. in quand' A.L. filiam p̄d̄ I. in pace Dei & dict' dn̄æ reg. exiſt', ex malicia ſua p̄cogit inſulit fecit, verberauit & maletract', ita q̄ de vita ſua deſperabat, ac p̄d̄ I. cum ſuis pugnis adtūc & ibid' felon̄ ſup̄ corpus p̄cuſſit dans eid̄ A. vnam plagā mortal' de qua quid' plaga ead' A. incontinent adtūc & ibid' obijt. Et ſic p̄d̄ I. p̄d̄ A. adtūc & ibid' felon̄ interfecit & murdrauit, conꝫ pac' &c.

An Indictment for the counterfeiting of Teſters, and for the paying and vttering of them.

Sect. 293 IVr̄ p̄ſent' &c. q̄ H.P. nup̄ de L. Seruingman, die &c. anno &c. 40. pecias cunei argenti voc' Teſters, de cuneo dict' dn̄æ Reg. et curren̄ monet' Angl', ad ſimilitud' et inſtar veri cunei Angl' et monet' dict' dn̄æ reg. apud Stanley Abbey p̄d̄ in Com̄ p̄d̄ falſo et ꝑditorie fabricauit & contrafecit, et diūſis ligeis dict' dn̄æ reg. die et anno ſup̄d̄ apud S. p̄d̄ in Com̄ p̄d̄, vt vera Monet' dict' dn̄æ reg. falſo expoſuit vtterauit et ſoluit, conꝫ form̄ ſtat' in hm̄di caſu æd̄it', et conꝫ pac' &c.

An Indictment for counterfeiting, making, and vttering of falſe money, viz. Sixepences made with coyning Irons, of falſe mettall.

Sect. 294 INquiſ' &c. ſi W.H. de &c. die & anno &c. apud &c. falſo & ꝑditor̄ cuneis ferreis, voc' Coyning yrons, cunea dict' dn̄æ reg. viz. Sixpences, Angl' Teſters, ex falſis mettal' contrafecit et cunauerit, ad ſimilitud̄ bone et public' Monet' Angl' attingen' ad 5. s. et p̄d̄ falſam monet' ſic vt p̄f. ꝑditor̄ cuneat' p̄d̄ die & loco, et in diūſis alijs locis in Com̄ p̄d̄ et diūſis diebus et vicibus ligeis dict' dn̄æ reg. ign̄ pro bona monet' felon̄ & ꝑditor̄ expoſuit et vtter', conꝫ pac' &c. conꝫ alleg' &c.

An Indictment for burning of a dwelling houſe, a barne, and a waine load of Barley in the ſame barne, and againſt one for comforting the ſaid felon, after the felonie done.

Sect. 295. INquiſ' &c. ſi W.B. de &c. vi et armis, viz. baculis et cultellis quand' domum manſional', ac vnum horr̄ cuiuſd̄ W.T. necnon caruc' hordei in horreo p̄d̄ exiſt', et contineñ ad valenc' 30. li. de bonis et catallis eiuſdem W. apud T. p̄d̄ in Com̄ p̄d̄, die et anno p̄d̄ felon̄ et voluntar̄ ignia-uit, accendit, cremauit, et cum igne deſtruxit, conꝫ pac' &c. et conꝫ form̄

Statuti

Statuti inde ædit et prouiſ. &c. ſi I.K. nuper &c. ſciens pd. W.B. felon pd in forma pred ſic faciend dict' die & anno apud T. pred in com pd felon concelauit, procurauit & abbettauit contra pacem dom' reginæ. Accessorie.

An Indictment againſt two being priſoners, for breaking of the priſon, and letting out two priſoners.

INquiratur &c. ſi B. C.F. G. nuper de &c. nuper arreſtat, impriſon & detenc in gaola dict' dnæ reg' de &c pro diuſis felon per ipſos ſeperatim perpetrat 8. die Feb. anno &c. vi et armis &c. pd gaolā dict' dnæ reginę de F. pred' in com pred apud &c. fregerunt & I.C. nup de &c & I.S. priſonarios in eadem gaola exiſten adtunc & ibidē felon ad largum ire permiſerunt contra pacem &c. ac contra formam ſtatut &c. Sect. 296.

An Indictment for breaking of priſon by one committed for felony.

INquiratur &c. ſi A. B. nup &c. exiſten in priſon dnę reg' apud C. &c. pro diuerſis felon vnde corā Iuſtic' pacis dictę dnæ reg' in com' pd ad Seſſionem tent coram eiſd Iuſtic' primo die &c. anno &c. felonice ab gaola illa adtunc & ibid tranſiit et felonice euaſit. cont pacē &c. Sect. 297

An Indictment grounded vpon a ſtatute law, againſt one that keepeth Greyhounds, hounds, and ferrets, who may not diſpend 40. s. per annum.

INquiratur &c. ſi A. B. nuper de &c. Quod cum in pliam apud Weſt' nup ædit inter alia cōtinet, qd nullus Laborarius, artifex nec vllus ali' laicus qui non habet terr & tenement ad valen' xl. s. per ann, nec vllus cappellanus ſeu aliquis ali' Cleric' ſi ipſe non habet benefic' ad valenc' x.li. per. ann prouiſ. exiſtit qd tunc impoſter non habet ſeu cuſtodit vllum canē leporar voc' a grey hound, vel canem venaticum voc' a hound, ſeu alios canes pro venationē, vteretur venar voc' Ferrets, vel magnis retibus voc' Hayes, vel retibus hare pipes, aut alijs engenis quibuſcunq; ad capiend aut deſtruend feras, lepores aut coniculos ſub pœn impriſonament per vnum annum integr pro vt in act' Parliament pred plen' continetur: pred A.B. non habens terr & tenement ad valenc' xl.s. per ann leporar voc' Greyhounds, venatic' voc' hounds, et alios canes ad venand apud N. in com' pred habet & cuſtod, ac etiam venar voc' ferrets, vt ſupra die et anno apud N. in com pd vtitur, ad capiend et diſtruend feras, lepores et cuniculos contra formā ſtatuti pred, vel in contemptum dnę reginæ nunc, et contra formam ſtatuti pred &c. Sect. 298.

An Indictment for ſtealing of foure oxen, and of the acceſſaries to the ſame felony before and after the ſame felony done.

INquiſ &c. ſi A.B. de F. in com N. yeoman, die & ann &c. 4. boues pcij &c. de bonis et catallis I.S. de W. in com pred inuent felon furat fuit cepit & abduxit. Et ſi W.B. de N. in Com pd yeoman, die & anno &c. Sect. 299 Accessorie.

apud N. in Com̃ prędict fuerunt consentientes & abbettan prędict A.B. ad felonian prędict' in forma prędict faciend contra pacem &c. Et pulles accellaries apres eu cest manet. Et si H.W. & P.R. nuper de &c. sciẽ prędict A.B. felon prædict in forma prædict fecisse apud T. prædict & alibi in Com' prędict', prędict' 10. die &c. eundem A.B. felon̄ receptauerunt, contra pacem &c.

An Indictment of wilfull Murder.

Sect. 300. INquiratur &c. si T.S. de D. in Com̃ p̃d̃ yeoman, 20. die Iunij ann̄ &c. vi et armis, viz. gladijs, baculis, et cultellis in quend' W.P. de S. in Com̃ p̃d̃ Yusb. in pace Dei et dict' dn̄æ Reg. existen̄, ex malicia sua p̃cogitata apud L. in Com' p̃d̃ insult fecit et cum quodã ense ad valenc' xs. quem idẽ T. in manu dextra adtunc et ibm̃ habuit et tenuit p̃d̃ W. sup dextram partẽ capitis sui p̃cussit dans ei plagã mortal', de qua quidẽ plaga p̃d̃ W. P. à p̃d̃ 21. die Iun̄ vsq; ad 12. diẽ Decemb. languebat et tunc de plaga p̃d̃ moriebat. Et q̃d̃ p̃d̃ T. apud L. p̃d̃ ex malicia sua p̃cogitata felon̄ & voluntarie interfecit & murdrauit, contra pacem &c.

An Indictment of Manslaughter against two, and against one other as accessorie to the same.

Sect. 301 INquiratur p̃ dn̄a Regina, si A.B. de C. in Com' D. yeoman, & W.F. de T. in Com' p̃d̃ Husbandman, 2 die &c. in I.W. de C. in Com' p̃d̃ Labourer, apud L. p̃d̃ insult fecer & ipsum I.W. adtunc & ibid' idẽ A.B. cum quodã armicudio q̃d̃ dict' A.B. in manu sua dextra tenuit in gutture ipsi' I. felon̄ p̃cussit, de quo ictu p̃d̃ I. interijt & moriebatur. Et p̃d̃ W.F. cum quadam tenditte voc' a hedge Bill, quam ipse in manibus suis tunc tenuit ipsum I. adtunc et ibid' percussit et ipsum A.B. ad interficiend' et
Accessorie. murderand' p̃d̃ I. adtunc et ibidem felon̄ auxiliauit. Et sic A.B. p̃d̃ die anno et loco p̃d̃, p̃d̃ I.W. felon̄ murder et interfecit: et q̃d̃ H.W. de P. in Com̃ p̃d̃ gen̄ sciens p̃d̃ A.B. p̃d̃ feloniam et murdrum præd' in forma pręd' fecisse apud L. et alibi in dict' Com' decimo die &c. eundem A.B. felon̄ recepit, contra pacem &c.

An Indictment of Trespas for breaking and entring into a Close.

Sect. 302 INquiratur p̃ dn̄a Regina, si I.S. de N. in Com' N. 10. die Iu. anno &c. vi et armis &c. clausum A.B. de H. apud F. in Com' p̃d̃ fregit et intrauit et herbã A.B. ad valenc' x s. ibidẽ nup̄ crescen̄ cum quibusdã aueriis depastã fuit cõculcauit et consumpsit. Et alia enormia ei intulit ad grave damn̄ ipsi' R.G. et contra pac' dn̄æ Reg. Coron̄ et dignitat' suas.

An

An Indictment for lying in wait to kill one, and for assaulting, beating & wounding of him, and for entring into and breaking of his close.

INquir̃ p̃ dñam reg. si R.C. de B. in Com̃ N. Labozet, 8. die &c. anno &c. apud B. p̃d̃ iacuit insidijs ad interficiend̃ W.S. de T. in Com̃ p̃d̃ Husbandman, et in ipsum adtunc insult̃ fecit, verber̃, vulnerauit, et maletract̃ ita q̃ de vita eius desperabat̃. Ac etiam si p̃d̃ G. et R. vxor eius 30. die Octob. anno sup̃d̃ clausum ipsius W. apud B. p̃d̃ fregerunt et intrauer̃ et herbam suam ad valenc' &c. ibid̃ crescen̄ cum quibusd̃ aũijs depastat̃ fuer̃ conculcauer̃ et consumpser̃ cont̃ pac' &c. Sect. 303

An Indictment of Trespasse for breaking and entring into a close, and cutting downe Aspet in the said close.

INquir̃ p̃ dñam reg. si A.B. de C. in Com̃ L. Clericus et W.D. de ead̃ villa et Com̃ Clericus 4. die Augusti anno &c. clausum A.B. de M. in Com̃ p̃d̃ tregen̄ et intrauer̃ et traxinos ipsi' A.B. ibid̃ crescen̄ ad valenc' 40. s. succider̃ et asportauer̃ ad graue damnum &c. ac cont̃ pac' &c. Sect. 304

An Indictment for a Riot committed by many upon two, and for beating and wounding of them, upon the Statute of Anno 2. R. 2. cap. 7.

INquir̃ pro dñam reg. si A.B. nuper de M. in Com̃ M. Yeoman, aggregatis sibi quampluribus malefactor̃ et pacis dñæ reg. pturbator̃ ignot̃ ad numer̃ &c. modo guerrino arraiat̃ 6. die Iunij anno &c. apud S. in com̃ p̃d̃ riotose et routose se illicite congregauer̃ et coadunauer̃ et fut̃ et ibid̃ in R.W. et W.P. ipsos interficiend̃ insult̃ fecer̃, et ipsos R. et W. tunc et ibid' verberauer̃ vulnerauer̃ et maletractauer̃, per q̃ de vita sua desperabatur cont̃ pac' dñ̃ę reg. &c. Sect. 305

An Indictment against two for assaulting of one, and for taking of foure Kine from him that he had taken damage feasant in his land, and was carrying of them to the pound.

INquir̃ p̃ dñam reg. si I.L. de B. in Com' S. Yeoman, et I.I. nup̃ de ead̃ villa in Com' p̃d̃ 15. die &c. apud B. p̃d̃ vi et armis in et sup̃ I.D. insult̃ fecer̃ et adtunc et ibid' 4. vaccas, quas in et sup̃ ter̃ suam damñ facien̄ cepisset et 2. consuetud' vill' p̃d̃ ibid' imparcari voluisset ab eod' I.G. riotose cepер̃ et ab inde cont̃ eius volũtat̃ abduxer̃ cont̃ pac' dñ̃ę reg. &c. Sect. 306

An Indictment for a rescous made against the Sheriffes Bailifes, of one by them arrested by force of the Queenes Writ: and for the taking away and detaining of the said Writ.

INquir̃ p̃ dñam reg. si R.W. de D. in Com̃ L. die &c. anno &c. apud D. p̃d̃ in Com', p̃d̃ vi et armis &c. in et sup̃ B.C. et I.H. balliuos itine- Sect. 307

rant T. vic' I. rescussum fecerunt et quend T. T. quem ꝑd B. C. et I. H. virtute breuis dict' dñe reg. ꝑd vic' direct' cepissent et attachiat fuissent ab eisd B. C. et I. H. et extra eorum custod ceperint: et etiam breue ꝑd ab eisd balliuis itinerañ custodiuit et detinuit et adhuc detinet in malum exempl' totius populi dñæ reg. ibid ꝑpe commorantis ac conf pac' &c.

An Indictment of manslaughter, committed by two, and one as accessarie after the manslaughter done.

Sect. 308. INquis pro dña reg. si S. W. de L. in Com̃ E. fabricat et W. S. de G. in Com̃ ꝑd Yeoman, 2. die Aprilis anno reg. Eliz. &c. 6. in A. B. de C. in Com̃ ꝑd operarium apud C. ꝑd insult fecer, et ipsum A. B. adtunc et ibid idem S. W. cum quod gladio quem dict' A. in manu sua dext tenuit in collo ipsius I. percussit, de quo ict ꝑd I. interijt ac moriebatur. Ac idem S. W. cund A. B. inuen cum dicto gladio adtunc et ibid grauit vulnerauit: de quibus quid vulneribus et ictib' idem I. interisset h non interisset de ꝑd vulnere in collo percus. Et ꝑd W. S. cum quad cendike voc' a Frozest Bill, quam ipse in manibus suis tenuit ipsum I. adtunc et ibid percussit et ipsum W. S. ad interficiend et murdrand ꝑd I. adtunc et ibid felon auxiliauit: A sic S. W ꝑd I. die anno et loco ꝑd felon murdrauit & interfecit: Et ꝑd L. B. nuper de &c. in Com̃ &c gen̄ sciens ꝑd S. W. felon et murdrum ꝑd in modo & forma ꝑd sic fecisse apud E. et alibi in dicto com̃ 10. die &c. eund A. B. felon recepit contra pacem dominæ Reginę coron et diguit at suas.

Accessorie.

An Indictment against two, for hearing of these words spoken by one, videlicet A vengeance on the Queene, and of such false Councell. *And then declaring of the same to the Sherife of the Shire.*

Sect. 309 INquis pro dña reg. si W. I. de S. in Com̃ N. Clericus die &c. apud W. ꝑd deum præ oculis non habens et ligeantiam debit minime ponderans falso et prodit vt falsus prodit et inimic' ipsi' dñæ reg. dict' die et anno apud N. ꝑd coram A. B. et C. D. de E. in com̃ ꝑd Yeoman, obstinate et malitiose dixit et propagauit hec verba sequentia in Angl' verbis (*A vengeance on the Queene, and of such false Councell.*) tam contra ligeanc' et pac' dñæ reg. quam conf formam Statuti in hmdi casu ædit et prouis. Et sic ꝑd A. B. et C. D. sciens ꝑd I. dicta verba proditor locut fuisse, falso et proditor conf ligeanc' debit suum concelauer et secrete custodier conf pac' dñæ reg. et conf formam statuti in hmdi casu ædit et prouis. vsque ad 1. diem Martij anno &c. q dicti A. B. et C. D. dicta verba sic proditor per dict I. loqunt coram N. S. milite vicecomiti com̃ ꝑd ac R. S. gen̄, retulerunt et ostenderunt.

Concealing.

An

An Inquiſition taken before a Coroner vpon the view of the body dead, how he came to his death: In which it is found that he dyed of a feuer or ague by the viſitation of God, and not otherwiſe.

INquiſitio capt̃ apud S. in Com̃ S. 20. die &c. anno &c. coram I.B. vno coronatorum dict̃ dom̃æ Reg. in Com̃ p̃d ſuper viſum corporis A.B. nuper de E. in Com̃ p̃d Huſbandman, ibidem iacen̄ mortui per ſacram̃ &c. Qui dicunt ſuper ſacram̃ ſuum q̄ ita accidebat apud G. p̃d die &c. anno &c. quod p̃d A.B. egrotabat apud G. p̃d de Febri in 10. die Aprilis vſque ad 20. diem menſis eiuſdem. Quo quidem die ex Febri p̃d & viſitatione Dei adtunc & ibidem p̃d A.B. circa horam 10. eiuſdem diei ante meridiem obijt. Et Iuratores p̃d dicunt, quod p̃d A.B. ex nullo alio morbo egritudine aut infirmitate ad mortem ſuam deueniebat ſed hec eſt cauſa mortis ſui & non aliter. In cuius rei teſtimon̄ huic Inquiſitioni tam p̃d Coronator quam Iuratores p̃d ſigilla ſua appoſuerunt. Sect. 310

An Inquiſition found before a Coroner vpon the view of the body dead, in which it is found that S. A. being Keeper of the Earle of Pembroke his Parke, finding one hunting in the ſame Parke required him to ſtand and yeeld himſelfe, he neuertheleſſe defended himſelfe and would not yeeld: whereupon the Parke Keeper, with a Foreſt Bill with a thruſt in the breſt killed him.

INquiſitio indentat̃ capt̃ apud Sareſield, in Com̃ S. 9. die Februarij anno &c. per ſacram̃ &c. Qui dicunt ſuper ſacram̃ ſuum, q̄ cum quid' S.A. parcarius prenobilis W. Com̃ P parcæ ſuæ de P. in Com̃ p̃d 20. die Ianuarij anno regni dict̃ dn̄æ Reginæ 4. circa 11. horam eiuſdem diei inueniebat p̃d T.H. in parco p̃d venant̃ & vagrant̃ ad damnum ibidem faciend'. Et p̃d T.H. poſt clamorem per p̃d S. adtunc & ibid' leuat̃ ad pacem dict̃ dn̄æ Reginæ ad ſtand̃ rect' reddere ſe nolebat ſed ad malitiam ſuam exequend̃ & continuand̃ & pacem dict̃ dn̄æ Reginę diffugiend̃, vi & armis tunc & ibidem ſe defendebat p̃d S.A. adtunc & ibidem veniens ad eundem malefactorem ſic inuent̃ arreſtrand̃ & capiend̃ cum quadam tendite Anglicæ voc' a Foreſt Bill, quam p̃d S.A. in manu ſua dextra tenuit p̃d T.H. vi & armis reſiſtentem adtunc & ibidem in pectus ipſius T. percuſſit, de quo quidem ictu idem T.H. 1. die Februarij tunc proxim̄ ſequen̄ apud Sareſield, p̃d in Comitatu predict̃ obijt. Et Iuratores predicti vlterius dicunt ſuper ſacramentum ſuum, Quod p̃d S.A. non occaſione alicuius diſcordie contunct̃ alij aut alicuius male- Sect. 311

malcuolenc' siue odij p̄cogitat̄ sed solummodo ob causam p̄d̄ et non aliā p̄d̄ T. H. percussit vt preferur: In cuius rei testimonium &c.

An Indictment of confederacie or combination by Oath against the Queene and others.

Sect. 312. INquiratur pro domina Regina, si I. H. de B. in Comitat̄ L. Yeoman, & W. P. de G. in Comitatu predict' Yeoman, E. F. de C. in Comitat̄ predict' Yeoman, die Lunæ proxime post festum Sancti Michaelis Archangeli obligauerunt, et fides suas mutuas insimul dederunt intrauerunt et sacramenta sua super librum prestiterunt, quod in alto et basso iusticia et iniusticia iure et iniuria se ad inuicem tenerent et in omnibus occasionib' querelis et demand̄ quibuscunque cont̄ ipsos vel quemlibet eorum mouend̄ ad sectam domini Regis seu alicuius alterius partis et combin̄ et confeder̄ cont̄ dict̄am dominam Reginam et cunctum populum suum, in magnum preiudicium et lesionem totius populi dict̄æ dn̄æ Reginæ et contra formam statuti in huiusmodi casu edit̄ et prouis.

An Indictment vpon the Statute of Maintenance, for the maintaining of one in an Action of Formedon en descender.

Sect. 313 INquis pro dn̄a Regina, q̄ cum in statuto in Parliamento apud West̄m nuper edit̄ inter cetera continetur, q̄ nulla persona de regno dominæ Reginæ Angliæ cuiuscunque status siue conditionis fuerit, aliquam querelā in aliqua Curia nec alibi manuteneat, nec sustineat sup pœnam imprisonamenti et faciend̄ dominæ Reginæ finem et redemptionem ad voluntatem ipsius dn̄æ Reginæ prout &c. Quidam tamen P. M. de P. in Com̄ N. Yeoman, statut̄ p̄d̄ minime ponderans quandam querelam cuiusdam loquelæ quæ E. in Curia dn̄æ Reginæ nunc Eliz. coram Iusticiarijs dict̄æ dn̄æ Reginæ de communi banco West̄m per breue ipsius dn̄æ Reginæ de *Forma donationis en descender* inter R. G. petent̄ et N. A. tenent̄ de 5. acris terræ &c. cum pertin̄ in C. pro parte ipsi' N. tenend̄ 2. die Aprilis anno &c. apud N. in Com̄ p̄d̄ manutenuit et sustentauit, et adhuc sustentat in dict̄æ dn̄æ Reginæ nunc contemptum, ac contra formam statuti et contra pacem dict̄æ dn̄æ Reginæ.

An Indictment of forcible entre vpon the Statute of Anno 8. H. 6.

Sect. 314 INquiratur pro domina Regina, Quod cum in statuto in Parliamento domini Henrici 6. nuper Regis Angliæ apud W. Anno regni sui octauo tent̄ edit̄ inter cetera continetur, Quod si aliqua persona de aliquibus

bus terris vel tenementis manuforti expulſa ſit vel diſſeiſit vel pacificè expellat & poſtea manuforti extrateneatur vel per aliquod feoffament vel diſcontinuationem inde poſt talem ingreſſum ad ius poſſeſſoris defraudand' et tollend' aliquo modo fiat, habeat pars in hac parte grauat verſus talem diſſeiſitorem Aſſiſam nouæ diſſeiſinæ vel breue de tranſgreſſione, Et ſi pars grauat per Aſſiſam vel actionem tranſgreſſionis recuperet per veredictum vel alio modo per debitam legis formam inueniatur, Quod pars defendens in terris vel tenementis vi ingreſſa fuit vel ea per vim poſt ingreſſum ſuum tenuit, recuperabit querens damna ſua ad triplum verſus defendentem. Et vlterius finem & redemptionem ad dominam Reginam faciat prout in ſtatuto plenius apparet: Quidam tamen I.D. de D. in Comitatu prędicto Yeoman, & R.S. de eodem Comitatu Yeoman, Statutum prædictum minimè vereñ primo die Maij anno &c. apud D. prædict' in Comitatu prædicto quendam W. S. de vno meſuagio ſiue tenemento cum pertinentijs in D. prędict' per mandatum W. Buſh manuforti expellauerunt & diſſeiſiuerunt ac ipſum ſic expulſum & diſſeiſit à prædict primo die Maij vſque diem captionis huius Inquiſitionis extratenuerunt & adhuc extra tenent, contra pacem dominæ Reginæ coroñ & dignitat ſuas, & contra formam ſtatut in huiuſmodi caſu ædit & prouiſi.

An Indictment for ſhooting in a Hand-gunne, againſt one that may not diſpend a hundred pounds per annum.

INquiratur pro domina Regina, quod cum I.R. de W. in Comitatu prædict' generoſ. non habens terras tenementa feod vel Annuitates ad vſum ſuum proprium annui valoris centum librarum nono die Iulij, anno regni Regis Richardi primi apud S. in Coñ M. ſagittauit in quodam torment, voc' a Handgunne, contra ſtatutum in huiuſmodi caſu ędit & prouiſum. Sect. 315.

The Title of the generall Seſſions of the Peace, in the Countie of Cheſter.

¶ Seſſio pacis generalis dñæ Reginæ tent apud Ceſtr in Coñ Ceſtr, viz. quarto die Maij, anno reg. dñę Elizabethę, Dei gratia Angl', Franc', & Hiberñ Reginæ fidei defenſoꝛ &c. decimo, coram S.H. D.L. S.E. & alijs Iuſticiarijs pacis in Coñ prædicto.

Inquiſitio capt ibm per ſacrament R.M. de &c. Qui dicunt ſuper ſacramentum ſuum, quod cum in ſtatuto &c.

The

The Trauerse of an Indictment of forcible entry.

PRo A.B.C.D.E.F. versus dominam reginam in trauers super Indictamenꝯ.

¶ Et prædict' A.B.C.D. et E.F. per I.B. atturnatum suum veñ et dicunt, quod dicta domina regina nunc ipsos seu aliquem ipsorum actione Indictamenꝯ prædꝯ grauare seu impetere non velit aut debit: Quia protestandꝯ quod Indictamenꝯ prędict' minus sufficiens in lege existit ad ponendꝯ ipsos respondere, pro placito tamen seperatim dicunt quod quoad vi et armis, & quicquid quod est contra pacem dictæ domñ Reginę, necnon ad intracionem, disseisinrm, expulsionem, extratentionẽ, et quicquid quod est contra formam statuti prędꝯ ijdem A.B. C.D. et E.F. dicunt quod ipsi in nullo sunt culpabiles modo et forma prout per indictamenꝯ prędꝯ superius supponitur. Et de hoc ponunt se seperatim super patriam: et R. C. armiger qui pro domina regina hit in hac parte sequitur, pro ipsa domina regina similiter &c.

An Indictment for making of false gold at Roan in France, and for vttering of it in England.

Sect. 316. INquiratur pro domino rege & domina regina, Quare cum in statuto in Parliamento dictorum domini regis, et dominæ reginæ nuper tenꝯ apud Westm̃ duodecimo die Nouembris annis regnorum dicti domini regis, et dominæ reginæ, primo et secundo authoritate eiusdem parliamenti inactitat et ordinat fuit. Quod si aliqua persona siue aliquæ personæ post vicesimum diem Ianuarij extunc proxim̃ sequeñ introduceret siue introducerent à partibus transmarinis in hoc regnum Angliæ vel in aliquod dominium, huius dicti regni Angliæ, aliquas falsas et cõtra factas cuneas, monetas siue pecunias de auro aut argento alicuius alterius regni, non existenꝯ de proprijs cuneis, monet', siue pecunijs de hoc regno Angliæ, scientes prædꝯ cuneas, monet', sine pecunias, fore falsas et contrafact', Ea intentione ad vterandꝯ siue soluendꝯ prædictas falsas et contrafactas cuneas, monetas, siue pecunias, infra hoc regnũ Anglię et dominij eiusdem regni per merchandisas vel aliter. Quod tunc talis persona siue personæ sic vt prædict' est offendentes & eorum conciliatores, procuratores, auxiliatores, et abbettatores in tali casu, existimati erunt et adiudicabuntur fore offenditores in alta proditioue. Et qđ prędicta persona siue personæ offendentes, et post eorum legitimam conuictionem siue attincturam subibunt tales pœnas mortis & forisfacturas terrarum, bonorum, & catallorum suorum, sicut alij offendentes in casibus altę proditionis, prout in eodem statuto satis apertè declaratur: Quidam tamen H.S. nuper de Hallifax in Coñ Eborꝯ Merchant, alias dict' H.S. de Hallifax in coñ E. Merch' post prædꝯ vicesimum diem Ianuar', et post ordinationem statuꝯ prędict' viz. vndecimo die mensis Nouem-

Nouembris annis regnorum Philippi et Marię Dei gratia Regis et Reg Hiſpaniaꝝ, Franciæ, Angliæ, vtriuſque Ceciliæ, Ieruſalem, et Hibern̄, Fidei defenſorum, Archiduc' Auſtriæ, Duc' Burgundiæ, Medowlaꝝ, et Brabanc', Com̄ Haſpurgij, Flaundꝝ, et Tirolis, 3. et 4. numerum 16. li. & 10 s. in 60. et ſex pec' voc' halfe Soueraignes and Engliſh Crowns, de ære, cupro, aleameno, et diuerſis alijs mettallis inſimul mixt̄, falſo et proditorie apud Roane, et Diepe, in partib' tranſmarinis in regno Galliæ, ad ſimilitudinem bonarum dimid' Sufferancearum et coronaꝝ Aurī de cuna dictorum domini regis et dominæ reginæ huius regni Angliæ, per quoſd' falſos prodit̄ apud Roane et Diepe p̄d̄ in p̄d̄ partibus tranſmarinis falſo et prodit̄ ibidem fabricat̄ et contrafact' à p̄d̄ regno Galliæ vſque ad hoc regnum Angliæ, et ad Ciuitatem Norwichię introduxit et introduci procurauit: Et p̄d̄ H.S. p̄d̄ 60. dimid' ſufferanc' voc' thre ſcore halfe Soueraignes, ac prædict' ſex coronas Anglicæ voc' ſire Engliſh Crownes, modo et forma p̄d̄ fore falſas et fabricat̄ ſecundum formam & ſimilitudinem bonaꝝ dimidiarum ſufferanc' & Coronarum huius reg. Angliæ affirmans dictas ſufferanc' & Coronas illas fore de bono auro et de habili monet̄ huius Regni Angliæ 5. falſas dimid' ſufferanc' & vnam Coronam, voc' halfe Engliſh Soueraignes, and one Engliſh Crown, de p̄d̄ 60. & ſex dimid' ſufferanc' & Coronis in forma p̄d̄ ex ere cupro a'cameno fabricat̄ & contrafact' Cuidam H.B. hic apud Norwic' in com̄ p̄d̄ pro vno equo, vno gladio, & vno cuto de bonis & catallis p̄d̄ H.B. per ipſum H.S. de eodem H.B. adtunc & ibidem empt̄, pro bona ſolutione falſo fraudul' & proditorie adtunc et ibidem vtterauit ſoluit & liberauit, cont̄ pac' &c. ac contra formam ſtatuti &c.

An Indictment of treſpaſſe for breaking of a cloſe, and deſtroying of Wheate then growing in the ſame.

IVratores preſentant pro domina Regina, quod W.C. nuper de D. in Com̄ p̄d̄ Arm̄ T.B. &c. tertio die &c. vi et armis &c. Clauſum I.N. apud S. in Com̄ p̄d̄ in quodam campo vocat̄ &c. fregerunt et intrauerunt & tres quarterias frumenti ipſius I.N. ad valenc' trium librar' adtunc & ibidem creſcen̄ cum quibuſdam bigis ſiue carucis equis & pedibus ſuis ambulando conculcauerunt & conſumpſerunt, Et alia enormia ei intulerunt, contra pacem dictorum domini Regis & dominæ Reginę nunc &c. Sect. 317

An

An Indictment or Inquisition before the Coroner super visum corporis, *of one who killed one in his owne defence.*

Sect. 318 INquisitio indentat capt apud T. in Com̃ Cestriæ, 2. die &c. anno &c. coram I. M. geñ 1. Coroñ dict' dñę reg. in Com̃ p̃d super visum corporis A. B. nuper &c. adtunc et ibid̃ super terram mortui iacen̄ p sacrament &c. I. H. &c. ac de tribus alijs villat propinquiorib', viz. A. B. C. in Com̃ p̃d ad inquirend̄ qualiter et quomod̄ p̃d A. B. ad mortem suam deuenit qui super sacrament suum dicunt. Quod cum ipse A. B. 15. die Octobris anno regni &c. 5. circa horam 7. ante meridiē eiusd̄ die apud T. p̃d in Com̃ p̃d, vi et armis conk pac' dict' dñæ reg. in quend̄ R. nuper de T. p̃d in Com̃ C. p̃d Butcher, adtunc et ibid̃ in pace Dei et dict̄ dñæ reg. exist' insultum fecit et ipsum R. B. cum quod̄ baculo vocat a Pikeſtaffe, quem idem A. in manib' suis tenuit, verberauit, ac super brachium suum grauiter percussit, ita vt idem R. B. pro ipsi' vitæ saluatione à p̃d A. B. quant potuit, fugit vsq; ad magnam concauam pipam vocat a hollow ſtake, vltra quam ipse R. B. à pret. A. fugere non potuisset. Et sic ipse R. B. seipsum, ac vitam suam defendeñ p̃d. A. B. p̃d insultum assidue continuād super posteriō partem capitis ipsi' A. dicto 15. die Octobris anno 5. hora et loco su p̃d, cum quodam baculo voc' a browne Bill, p̃cij &c. quem idem R. B. adtunc et ibid' in manib' suis tenuit percussit, dans ei plagam mortalem, tres pollices lōgam, vnam pollicem latam et dimid vni' pollicis profund̄: Super quam quid̄ plagam ipse A. B. languid̄ iacebat vsq; ad 20. diem Octobris p̃d, in quo quidem 20. die Octobris anno &c. idem A. apud T. p̃d in Com̃ p̃d ex ipsa plaga ei dat modo et forma p̃d moriebat. In cuius rei testim̃ &c.

An Indictment or Inquisition taken before the Coroner super visum corporis *of one slaine by misfortune, by one as he was shooting at the Buttes.*

Sect. 319. INquisitio indent capt apud B. in Com̃ &c. die et anno &c. coram R. H Armig', 1. Coron̄ dict' dñæ reg. in Com̃ p̃d sup visū corpor' I. C. nup de R. in Com̃ p̃d Laborer, adtūc et ibid̃ sup terr̄ mortui iacen̄ per sacrament I. B senioris I. H. &c. ac de tribus alijs villat propinquorib', viz. de M. R et E. in Com̃ p̃d ad inquirend̄ qualit̄ et quomodo p̃d I. E. ad mort̄ suam deuenit: qui sup sacrament suum p̃d dicūt, q̄ cum quid̄ C. W. nup de Ciuitate C. in Com̃ Ciuit̄ C. Shereman, cum multis alijs, 2. die &c. anno &c. 6. sup̄d', circa horam 1. post meridiem eiusd' 2. diei apud B. p̃d' in Com̃ C. p̃d' in pace Dei ac dñę reg. exist', ac ibid' ad metas Angl' voc' Buttes, sagittan' adtūc et ibidem venit p̃d' I. E. ad metas p̃d', ac dum præ-

præd' C.W. ad ipſas metas interſagittand' fuit, ipſe I.E. obiter & improuiſo poſuit ſe inter metas præd' vt præd' C. W. ſagittabat ad metas præd' cum quadam ſagitta precij &c. dicto ſecundo die Iulij, ac hora & loco ſupradictis per infortunium percuſſit præd' I. E. in gutture dans ei mortalem plagam in profunditate duos pollices. Super quam quidē plagā ipſe I.E. a præd' ſecundo die Iulij vſque ad quintum diem eiuſdem mēſis apud R. præd' in comitatu Ceſtriæ pred' languidus iacebat, ac in eodem quinto die menſis Iulij pred' ipſe I. E. apud T. pred' in com' Ceſtr' pred' de predict' plaga modo et forma pred' moriebatur, Ac etiam Iuratores præd' ſuper ſacrament' ſuum pred' dicunt, quod p̄d' C. W. dicto ſecundo die Iulij, aut aliquo tempore poſt eundem ſecundum diē menſis Iulij non habuit aliqua bona ſeu catalla infra predict' com' Ceſtr'. In cuius rei teſtim' vtriſque partibus huius inquiſit' tam præd' coronat' quā pred' Iur' ſigilla ſua poſuer' die & anno primo ſuprad'.

An Indictment againſt the husband and his wife for lying in waite, and for the aſſaulting, beating, and wounding of one.

INquiratur pro domino rege & regina, ſi N. B. nuper de T. in comitatu Ceſtriæ yeoman, K. W. vxoreius &c. 17. die &c. anno &c. apud T. iuxta T. in com' pred' in quodam loco voc' le Hall yard, iacuerunt in inſidijs et adtunc et ibidem inſidiati fuerunt quendam R. H. et in ipſum R. ibidem vi et armis &c. inſultum fecerunt, verberauerunt, vulneraverunt et maletractauerunt. Ita quod idem R. languidus exiſt' ac de vita ſua deſperat', vi et armis, & contra pacem &c. Sect. 320

An Inquiſition of wilful murder taken before diuers of the Iudges & others, as Iuſtices of the Peace, for a murder done in Weſtminſter.

INquiſitio capt' apud Weſtm' in com' Midd' viceſimo tertio die Apri. anno regni Eliz. &c. 16. coram I. Southcot vno Iuſticiarior' dict' dn̄ę reginæ ad placita coram ipſa regina tenend' aſſign' Rob. Mounſon vno Iuſticiar' ciuſdē dominæ reginæ de banco Gilb. Gerrard armig', Atturnato dict' dominæ reginę generali, Williel' P. & B. R. armig' Iuſtic' dict' dn̄æ Reginæ ad pacem in comitatu predicto conſeruand', necnon ad diuerſas felonias, tranſgr', et alia malefact' in eodem comitat' perpetrat' audiend' et terminand' aſſignat' per ſacramentum 12. Iur' extitit præſentat', quod R. S. nuper de ciuitat' Weſtmonaſter' in com' Midd', et I. T. nuper de ciuitat' W. p̄d' in com' pred' yeoman, 20. die M. Anno reg' Eli. &c. 16. vi et armis viz. gladijs, baculis, &c. circa horā ſext' poſt merid' ciuſdē diei ex malitia ſua p̄cogitat' apud ciuit' W. pred' in com' p̄d' in quēd' W. R. I. in pace dei et dict' dn̄æ reg' adtunc et ibid' exiſt' inſult' fecer' Sect. 321.

fecer & ꝑd R.S. cum vno gladio quem ipse ꝑd adtunc & ibidē in manū sua dextra habuit & tenuit prædē W.R.I. super dextrum brachium ipsius W. adtunc et ibidem felonicè percussit et dedit ei adtunc et ibidē vnam plagam mortal' profunditatis quatuor pollicium et latitudinis vnius pollicis, de qua quidem plaga mortali prædict' W.R.I. apud Ciuitatem W. præd' in Com̄ prēd' die et anno supradict' instanter obijt. Et qđ prędict' I.T. prēd' 19. die Martij, anno 16. supradicto apud West. prēd' in Com̄ prædē felonicè fuit præsens, procurans, abbettans, conforsans & auxilians præfatum R.S. ad feloniam et murdrum prędict' in forma ꝑdict' faciend' & perpetrand', contra pacem dictæ dn̄æ Reginæ nunc. Et sic ꝑdict' R.S. & I.T. die, anno, loco, & Com̄ prędict' prēfat' W.R.I. ex malitijs suis prēcogitat' felonicè & voluntariè interfecerunt et murdraver', cont' pac' dict' dn̄æ Reg. nunc, Coron̄ et dignitat' suas.

An Indictment of Manslaughter against many, some for striking of the partie slaine, and some others for comforting and ayding of them being present, and some as accessaries after the fact committed, and that diuers of them fled.

Sect. 322. INquisitio capt' apud Cestr' infra Wardam Castri domini Regis ibidem die Veneris proxim' post festum Apostolorum Simonis et Iude, Anno regni Regis Rich. tertij post conquestum Angliæ secundo, coram T.H. & I.I. Coron̄ dicti domini Reg. Hunđ de B. in Com' Cestriæ super visum corpor' I.C. felonicè interfecti per sacramentum &c. Qui dicunt sup sacramentum suum, qđ T.W. nuper de M. in Com' Cestr' yeoman, R.B. nuper de M. in Com' Cestr' armig', N.B. nuper de M. & alij &c. die Sabbati proxim' festum Exaltationis sanctæ Crucis, Anno regni Regis R. 3. post conquestum Angliæ secundo, apud H. in Comitat' Cestr' in insidijs iacuerunt pro dicto I.C. ad ipsum verberand', vulnerand', et felon̄ interficiend' vi et armis, et contra pacem domini Regis: Et dicto die Sabbati, et anno ꝑd' apud H. ꝑd' in ipsum I.C. insult' fecer': Et ꝑd' T.W. die Sab. et anno ꝑd' apud H. prædē felonic' percussit prædē I.C. super caput suum vsq; ad cerebrum cum quodam gladio precij &c. et dedit ei plagā mortal' vnde obijt die Veneris ꝓx' post festum Sancti Mich. Arch. tunc ꝓx' sequen̄ apud Cestr' prædict', infra ward' Castri domin̄ Regis ibid'. Et sic prædē T.W. ipsum I.C. dict' die Sabbati et anno apud H. prædict' felon̄ interfecit: Et quod prædict' R.B. eisdem die et anno apud H. felonicè percussit prædict' I.C. super tibiam suam dextram cum quodam gladio precij &c. et dedit ei plagam mortalem vnde obire debuisset si non obijsset de ictu quam prædict' T.W. ei prius dedit. Et sic prædictus R.B. ipsum I.C. dicto die Sabbati, et anno apud H. prædict' felonicè interfecit. Et quod prædict' N.B. I.H. I.M. et R.C. dicto die Sabbati et

Anno

Anñ apud H. pred' felon fuer pſent, auxiliantes, confortantes & abbettantes pręd' T.W. ad felon p̄d, in form' pred faciend vi et armis & contra pacem dict' dñi regis. Et qd pred' R.B.N.B.I.H.I.M. & R.C. eisd' die Sabbati & Ann' apud H. pred' felon fuer preſent, auxiliantes, abbettantes et confortantes, pred' T.W. ad feloniam pred in form' pred' faciend vi & armis et contra pacem dicti dñi reg. &c. Et qd I.B. nup de M. in com' Ceſtr' gen' frater R.B. milit' iam defuncti T.B. nuper de M. in com' Ceſtr' gen' frat' p̄d' I.H.B. nup de M. in com' Ceſtr' gen' frater p̄d' T.W.B. nup de M. in com' Ceſtr' gen'filio' p̄d R.B. milit' iam defunct' &c. eisdem die Sabbati & anñ apud M. p̄d in com' Ceſtr' felon fuer vi, auxilio, conſilio, & abbettamento p̄d T.W. & R.B. ad felon pred' in form' p̄d faciend' vi et armis, et contra pac' dict' dñi regis: Et qd W.E. nuper de E. in com' Ceſtr' gen' R.H. nuper de M. in com' Ceſtr' yeoman, I.H. nuper de ead' in com' pred' yeoman &c. die lunæ proxim' poſt feſtum S. Mich. Arch. Anno reg. Regis R. 3. poſt conqueſtum Angl' ſecundo apud M. in com' p̄d' felon aſſiſtauer', receptauer', & confortauer', pred' I.W. et R.B. armig', ſcientes ipſum T. et R. felon pred' in form' pred' felon feciſſe vi & armis et contra pacem domini Regis. Item dicunt Iuratores pred', qd p̄d T.W.R.B.N.B.I.H. &c, poſt felon pred' fact' die Mecur' px' poſt feſtum Michaelis Archang' Anñ ſupradc reg' pred' fugerunt, et ſe eadem felon pred' retraxerunt a com' Ceſtr' vſq; villã de Whitchurch, in com' Salop felon' vi et armis, & contra pacem dñi regis. In cuius rei teſtimoninm &c.

An Indictment for keeping a bawdy houſe, and vſing of vnlawfull games.

IVrator' p̄ſent qd N.W. de A. et I. Tailor, et E. vxor' eius &c. ſunt cõmunes lupinar' & diuerſis dieb' et vicibus ante diem hui' inquiſitiõn in domib' ſuis ſcituat' &c. manuten hoſpic. lupanar', nec non diuerſas pſon ſuſpect' ibid' ludentes ad luda illicit', viz. tables, cardes &c. tam in die q̄ in nocte, poſt horas debitas ei legitt' ad grauamen inhabitãtium ibid' ac malum exemplum omnium aliorũ ligeorum dñi Regis &c. Sect. 323

An Indictment for keeping of euill rule.

IVrator' p̄ſent', qd W.H. de pochia S. Clement in com' Midd' et Maria vxor' ei' die &c. anñ &c. ac diuſis dieb' antea et poſtea hucuſq; cuſtodierunt et adhuc cuſtod' lupanar', luxuriam, et fornicat' p oĩb' hominibus et mulierib' ad talia nefanda opera diſpoſit, ac cuſtod' communem dicing and carding &c. et alia illicita ad grauam̃ omniũ vicinor' ibid' inhabitan', & in malum exemplũ alior' ligeor' &c. contra pac̃ &c. Sect. 324

An Indictment for keeping of a bawdy house.

Sect. 325 IVrat̄ p̄sent, qd R.M. de &c. in com' &c. W.H. de &c. die & añ &c. ac diūsis t̄poribꝫ antea & postea apud &c. tenent, custodiunt, occupant et frequentant in mansionibus suis ibid' cōmunia hospitia lupanar', luxuꝝ & fornicationē, & p̄mittunt tam seculares q̄ regulares et laicos homines et alias p̄sonas suspectas non bonæ gest' nec famæ cum meretricebꝫ carnaliter concūbere ad magnū nocumentum totiꝫ populi dn̄i reg' ibid' ꝓpe cōmorantium et malum exemplū omniū aliorū in tali casu delinquentium nisi citꝫ in hac p̄te debit̄ prouideat remediū ac contra pacem &c.

An Indictment for slandering of a Iurie.

Sect. 326 IVf dant curiā intelligi. Qd cum ipsi tali die & A. ñ apud &c. cuncti fuerant ad inquirend' in et interloquend' de diuersis articulis et offensis sup̄ eorū sacrament' pro dict' dn̄o reg. ibi die et añ suprad̄ venit quidā T. B. de S. in com' prædꝫ vt barrector et pacis dn̄i reg' p̄turbator, & prædꝫ Iuratores vili pendit et scandalizauit dic end' sic in Angl. verbis, *Fie on*

The words. *you false harlots, pampered knaues, and periured knaues*, ac alia minatoria et contumel' verba eisd' Iurat̄ dixit in magn̄ redarguation̄ et vilipend' Iurat̄ p̄d̄ ac retardat̄ execution̄ eorum iuramēt, et contꝫ pac' &c.

An Indictment against a mans wife as a common Barrator and sower of dissention amongst her neighbours, and a common scolde.

Sect. 327 IVrat̄ p̄sent, qd A.E. vxor &c. de &c. in com' &c. non est bonæ famæ nec conuersation̄ honestę sed malę disposition' barrectator et pacis dn̄i Regis p̄turbator: Ita quod verisimile est facere murdr', homicid', lites & discord' ac alia damna et grauamina inter ligeos dn̄i reg. ibid' p̄text' p̄missoꝝ, et est commun' obiurgat̄ et blaspemat̄ vicinoꝝ suoꝝ, et magna scādala eis ibid' imponit, ad magn̄ scandala eis ibid' imponit, ad magn' nocument' omnium inhabitant' villæ prædꝫ, et p̄nicios̄m exemplum omnium aliorꝝ in tali statu delinquent, & contꝫ pacem &c.

An Indictment for a Rape committed by a Minister, vpon a maide of foureteene yeeres old.

Sect. 328 IVrat̄ p̄sent, qd T. Thorneton de &c. in com' &c. Clericus, die et añ &c. vi & armis, viz. gladijs, baculis, &c. in I.F. adtunc ætatis 14. annoꝝ apud &c. insultum fecit & corpus et ventrem p̄d̄ Io. adtunc et ibid' manibꝫ suis felon' vulnerauit, fregit et lacerauit, necnon eād' Io. contra voluntat' ipsius Io. adtunc et ibid' carnalit' cognouit, & felon̄ rapuit contꝫ pacem &c.

An Indictment against forestallers of the markets within the Verge.

IVrat̃ p̃sent̃, qd I. R. de &c. & R. S. &c. a die & Anno &c. vsq; diem capc̃onis hui' Inquisitionis apud C. in com' pred̃ infra virgam, singulare commodum suum & non vtilitatem reipublicæ indebite affectantes, blad', grana & alia victualia quę vsque ciuitat̃ Londõ et villę Westm̃ p̃d̃ in com̃ p̃d̃ p̃ sustentatioñ populi dict' dñi regis ibid̃ venerunt & venire debuissent p tẽp' p̃d' forstallauerunt et regratauer̃ et in dies forstall'et regratare non desistũt, p qd blada grana et alia victualia multo maioris carioris et altioris precij efficiuntur quam deber̃ si forstallatores et regratores hñdi non fuissent, in dict' dñi Reg. nunc contemptũ et ligeorum suorum maxime dispend' et grauamen, ac contr̃ form̃ diuersorum statut̃ in hac parte ed̃it, ac contr̃ pac' &c. Sect. 329

An Indictment against a Gaoler (for enlarging of one committed to prison) within the Verge vpon suspition of felonie without warrant.

IVt̃ p̃sẽt. q̃p W. H. de &c. die et an̄ &c. apud S. p̃d̃. in com̃ p̃d̃ infra virg̃ cepit et arrestauit quendam R. E. nup de &c. p̃ suspectione feloñ et ipsum R. adtunc & ibid' in prisona dñi Reg. sub custod' sua pro feloñ pred̃ p spacium vnius horæ detinuit: Et postea die et an̄ suprad̃ p̃d̃ W. H p̃d̃ R. F. apud S. p̃d̃ in com̃ p̃d̃ infra virgam feloñ, voluntarie et volenter ad largum suum ire p̃misit, contr̃ pacẽ &c. Sect. 330

An Indictment against a mans wife, for stealing xx.s. in money.

IVra p̃sent̃, qd I. W. vxor &c. de &c. alias dict' I. W. de E. p̃d' in com̃ p̃d̃ Spinster, die et an̄ &c. vi & armis &c. xx.s. in pecunijs numeratis de bonis & denarijs I. B. apud E. pred̃ in com' predict' adtunc & ibid' inuent̃ feloñ furat̃ fuit cepit, & asportauit, contr̃ pacem &c. Sect. 331

An Indictment against a wife for stealing 60.li. in money, and against another as accessarie.

IVratores p̃sent̃, quod Io. W. vxor̃ &c alias dict' Io. W. de F. p̃d̃ in com̃ p̃d̃ Spinster, die an̄ &c. lx.li. in pecunijs numerat̃ de bonis & denarijs I. E. p̃d̃ in p̃d̃ camer̃ adtunc et ibid̃ inuent̃ felon' furat̃ fuit et asportauit contra pacem &c. Et qd W. W. nup de E. in com̃ p̃d̃ Butcher, sciens pref. Io. W. feloñ pred̃ in form̃ pred' fecisse eandem Io. dictis die, an̄ & loco feloñ confortauit, auxiliauit & receptauit, contr̃ pacẽ dict. dñi regis &c. Sect. 332. Accessorie:

An Indictment for stealing of three mens coats.

Sect. 333. IVrat̄ p̄sent̄, qd T.S. & W.H. de &c. in com' &c die, Anno &c. vi & armis &c. tres tunicas viriles de panno laneo coloris Tawney, ad valenc' &c. de bonis et catallis cuiusdam hōis ignoti apud H. in com̄ Midd̄ adtunc et ibid̄ felon̄ furat̄ fuit, cepit et asportauit contr̄ pac' &c.

An Indictment against an Heretike for vsing of words.

Sect. 334 IVratores p̄sent̄, quod T. M. de &c. est homo diabolicus et communis hæreticus fidem Catholicā et obseruantiam eiusdē magnopere machinans & contemnēs. Et qd ipse tali die et anno &c. apud p̄d̄ parochiam in p̄sentia diuersor̄ subditor̄, ac legeor̄, dicti domini Regis hæc verba scandalosa & hæreticalia dixit, retulit et ꝓpalauit: Christ neuer died no? shed his bloud fo? vs, but only fo? them that were in *Limbo Patrũ*, & as fo? Images in the Church they be but Idols, cū multis alijs verb' scandalosis et hereticalib' in cōtept̄ fidei Cathol' ac in pnicios̄um exemplum aliorum ligeorum dict' dñi reg' ac contra pacem &c.

An Indictment for breaking of a house, and taking out of a Chest in the house seuen pounds in money.

Sect. 335 IVrator̄ presentat̄, qd R. T. de &c. et I. C. de &c. tali die & anñ vi et armis &c. domum T. P. apud p̄d̄ villā in com' p̄d̄ fregerūt et septem libr̄ in pecun̄ numeratis de bonis & denarijs predict' T. in cista pred̄ existen̄ adtunc' & ibid' extra cistā p̄d̄ felon' furat̄ fuerūt, ceperūt, & asportauerunt contr̄ pacem dict. dñi regis &c.

An Indictment for a maime in both the hands.

Sect. 336 IVrat̄ p̄sent̄, Quod cum H. P. de &c. tali die & Añ apud C. p̄d̄ in quodā loco voc' E. fuit in pace Dei et dicti dñi reg' dict' die & Añ apud C. pred' in præd̄ loco voc' E. venerunt A. B. C. D. & E. F. et in dict' H. P. ibid' insult̄, vt felon̄ dict' dñi Reg. infidiad̄ & ex insultu p̄meditat̄ p̄ mandat̄ et procurationem P. P. de &c. fecerunt: Et pred' A. B. cum quodā baculo ad valenc' &c. quē ipse in manib' suis adtunc et ibid̄ tenuit p̄d̄ H. P. sup dextram manū suā adtunc et ibid' felon̄ ꝑcussit & ipsum H. P. adtunc & ibid' vulnerauit & felon̄ mahemauit sic qd venæ et nerui eiusd̄ dextræ manus retract' & mortificat' deuenerūt, p qd p̄d̄ H. P. auxilium et potentiā dext' manus pred' totaliter amisit. Et præd̄ C. D. cū vno alio baculo ad valenc' &c. q̄ ipse in manib' suis adtunc & ibid' tenuit pred' H. P. sup sinistr̄ manū adtunc et ibid' felon̄ ꝑcussit et ipsum H. adtunc et ibid' verberauit, vulnerat̄, et felon̄ mahemauit sic qd venæ et nerui eiusdem manus sinistræ retract' et mortificat deuenerūt, p qd idē H. P. vim, auxiliū et potentiam eiusd̄ sinistr̄ man' totaliter amisit contra pacem. &c.

An

An Indictment vpon the ſtatute of Anno 5. R. 2.

IVrat̃ p̃ſent̃, qd cum in ſtat̃ in Parliam̃ dñi Regis Rich. nuper Regis Angliæ ſecundi apud Weſtm̃ Ann̄ regn̄ ſui quinto tent̃ ædit̃ inter alia ordinat' ſit, Quod nullus faciat̃ ingreſſum in aliquib' terr̃ ſiue ten̄tis niſi in caſu vbi ingreſſus ei datur per legem, et in illo caſu non manuforti nec multitudine gentium ſed licito et quieto modo tantum. Et ſi quis in contrarium fecerit et inde debito modo conuict' fuerit p̃ impriſonam̃ corporis ſui puniatur, & ad voluntatē domini Regis redimat̃ prout in eodem ſtat' plenius continetur. Quidam tamen I. S. de &c. ſtatutū pred' minip̃derans nec pœnā in eodē content', die &c. Ann̄ &c. in quodā ten̄t̃ cum ptin̄ et quatuor ac̃ terr̃ cuiuſdā I. B. apud H. p̃d' in com̃ p̃d in quo eidem Iohanni ingreſſus non datur per legē ibid' ingreſſus fuit, in dicti dñi reg' contemptū, Ac contra form' ſtat̃ pred', Sect. 337

An Information wherein the partie deſireth the good abearing againſt one.

DAt' eſt curiæ intelligi p̃ relationē et teſtimoniū I. P. T. I. et alior̃ qd R. M. de S. in com̃ &c. eſt communis Barrectator et pacis dñi Reg' perturbator vocand' vicin̄ ſuos Theeues, knaues, & alia hm̃di ignominia, necnon communis furator boſci: Ita qd veriſimile eſt murdrū, homicid' lites et diſcord' inter vicinos ibidem in dies oriri niſi citius prouideatur inde remedium ad motionē omn̄ū inhabitantiū in villa pred' ac in malum exemplum omnium aliorū legiorum dñi Regis, Sect. 338

An Indictment againſt one for keeping of vagabonds, whores, and idle and ſuſpected perſons, and euill rule in his houſe.

IVratores p̃ſent̃, quod T. E. de &c. in domo ſua continue recipit hoſpitat̃ et ſupportat vagabond' meretrices et alios diuerſos hoēs ocioſos ſuſpect̃ & malæ conuerſationis. Et continue cuſtod' malam regul̄ & guberñ in domo ſua ad graue nocument̃ et perturbation̄ omn̄ū vicinor̃ ſuorum, ac contra form̃ diuerſorū ſtat̃ &c. ac contra pacem &c. Sect. 339

An Indictment for breaking of a cloſe, and driuing away of Cattel out of the Cloſe.

IVrator̃ preſent̃, qd T. S de &c. die & ann̄ &c. vi et armis &c. clauſum I. D. apud H. p̃d̃ fregerunt & intrauerunt & aueria ipſius I. D. adtunc & ibid' depaſcat' ceperunt & abinde fugauerunt cont̃ pacem &c. Sect. 340

An Indictment for Treſpaſſe for breaking of a cloſe, and eating of the graſſe with cattell.

INquiratur &c. ſi A. B. et C. D. de &c. die et Anno &c. vi & armis &c. clauſum E. F. apud W. predict' in com̃ predict' fregernut

& intrauer et herbam suam adtunc & ibidem cum quibusdam auerijs suis, viz. equis, vaccis et bob' depascat fuer conculcauer & consumpserunt contra pacem &c.

An Indictment for breaking into a close, and treading downe the grasse.

Sect. 341 INquiratur &c. si A.B. de &c. die et Ann &c. vi & arm &c. clusum D.E. apud C. p̄d in com p̄d' fregit & intrauit & herbam suam ibid ad valēc' &c. pedib' ambulando conculcauit et consumpsit. Et alia enormia &c. ad graue damnum &c. et contra pacem &c.

An Indictment for breaking of a close, and cutting downe of trees and underwoods.

Sect. 342 IVratores p̄sentant, qd A.B. nuper de C. in com &c. die & ann &c. vi et armis &c. clausum D.E. apud C. p̄d in ten p̄d fregit et intrauit, et arbores & suboscos suos ad valenc' &c. ibid' nuper crescēn succidit et asportauit ad graue damnum &c. ac contra pacem dicti dñi Regis &c.

An Indictment for taking of a Cade of sprats by extortion, without any warrant or cause so to doe.

Sect. 343. INquiratur &c. si W.B. de &c. tali die & an apud S. p̄d in contemptu dñi Reg' & per extorcion arrestauit et abduxit bona et catall' cuiusd' T.H. viz. quandā cadam, voc' a cade of sprats, ad valenc' &c. de bonis et catallis ipsi' T. apud S. p̄d' ad tunc et ibidem inuent absq; warr' seu causa rationabili cepit et asportauit in contempt dicti dñi Regis, ac contra form stat &c.

An Indictment for not repairing the pauement of a highway, which ought to be repaired by a bishop.

Sect. 344 IVrator presentt, qd pars regiæ viæ apud S. in com p̄d in quantitate viginti pedum iacen et existen ex opposito certis terris siue tēris domini Episcopi Cestr ibidē est ruinosa p̄ defect' reparationis pauiamt ibid' ad graue et commun' nocument populi dñi rex. Et qd p̄d Epus debet latere et reparar p̄d pauiamt ex suis proprijs expens. et iuxt form' stat &c.

An Indictment against the prior of Saint Iohns Ierusalem and the Master of the Sauoy, for stopping of a common Sewer.

Sect. 345. IVrator presentum, p̄ dño Rege qd Prior hospitalis S. Iohannis Ierusalem, et magister hospitalis de Sauoy, obstupant & quilibet eorū obstupat cursum aquæ de le common Sewer apud S. pred' in com' p̄d' qd debet et a tēpore quo non extat memoria consueuit habere cursum et recursum suū a terr pred' Prioris vsq; ad terr p̄d magistri hospitalis de Sauoy pred' & ab inde vsq; ad Thamesin: Ita qd p̄ defectu hūdi cursus aquę ibid' non potest fluere neq; refluere sed in tempore pluuiali pred' regiam

giam viam ſæpe ſuperfluit pro defectu mundationis eiuſdem, ad graue et commune nocumentum populi domini Regis &c.

An Indictment againſt a Biſhop and Churchwardens, for not repairing of a ruinous and broken bridge.

IVrat' preſentant &c. qd communis pons apud Strond' &c. adeo ruinoſus et contractus exiſtit' pro defectu reparationis eiuſdem pontis qd homines per p̄d̄ pontem itinerantes abſq; magno periculo nō poſſunt itinerare ad graue et cōmune nocum̄t populi dn̄i reg'. Et qd dn̄' Epus Ceſtr' et gardiani eccleſiæ pochialis beatæ Mariæ virg' de S. pred' pro tempore exiſtentes debent reparare, ſuſtentare et manutenere, et quilibet eorum pro-rte ſua debet reparare, ſuſtentare & manutenere pred' pontē ex ſuis proprijs cuſtagijs, et expenſ. viz. pred' Epus ex parte occidentali eiuſdem pontis & pref. gardiani ex parte orientali. Sect. 346

rite, 6. Mod. 255.

An Indictment for ſtopping and encloſing the Kings high way with hedge and ditch.

IVrator' p̄ſent', qd A. B. de &c. 6. die Aprilis &c. vi & armis &c. regiam viam apud &c. tam foſſ' quā ſæpi iniuſte obſtupauit et incluſit: Quæ quidem via iacet in vico voc' &c. et extēdit ſe vſq; regiam viā apud hoſpitalem S. Cornelij, ita qd hoīes neq; pedeſtres, neq; equeſtres p p̄d̄ viā pertranſire poſſint. Et qd pred' via debet et a tempore quo non extat memoria ſolebat eſſe communis via quouſq; A. B. illā in forū pred' feciſſet cont' pacem &c. ad graue damn̄ et cōmun̄ nocum̄t legeor' dicti dn̄i reg. Sect. 347

8. 159.

An Indictment for killing of one in his owne defence taken ſuper viſum corporis.

INquiſitio capt' apud D. in com̄ pred' die & ann̄ &c. coram R. T. vno coronat' dicti dn̄i Reg. in com' pred', de et ſuper viſum corporis A. B. de C. in com̄ pred' yeoman, ibid' iacen' interfecti ac mortui, eiuſd' A. B. p ſacram̄t xij. Qui dicunt ſup ſacrament' ſuum qd vbi quidam I. G. nup de &c. in com̄ p̄d̄ Yuſband, fuit in pace dei et dicti dn̄i Reg' nunc apud C. pred' 4. die Maij, Ann̄ &c. circa horā quartam poſt meridiem eiuſd' diei venit pred' A. B. ex malitia ſua p̄cognita et in ipſum I. G. adtunc & ibid' inſultū fecit et ipſum ibid' verberaſſe et interfeciſſe voluit continuand' inſultum illum a domo cuiuſdā T. B. in C. pred' vſq; quendam locum voc' &c. in p̄d̄. Et idē I. G. videns ipſum A. B. tā malitioſe diſpoſit' fugit vſq; quēd̄ murū in dict' loco voc' B. quē murū ob metum mortis ſuę euadere nō potuit, ſicq; idē I. G. in ſaluationē vitæ ei' erga p̄f. A. B. remanebat ad Sect. 348

se defend̄ erga ipsum A.B.& cum quodam cultello voc' a Iowd knife, precij &c.qd tunc tenuit in manibus suis in defensa sua eundem A.B. super sinistram partem capitis sui percussit, dando eidem A.B.tunc & ibidem quendam ictum vnde idem A.B.languebat vsque horam decimā in nocte p̄d̄ diei, qua nocte idem A.B. obijt. Et sic idem I. G. ipsum A.B. adtunc et ibid' se defendend̄ interfecit. In cuius rei testiū &c.

An Inquisition taken before a Coroner of the death of a man which was slaine by one Se defendendo.

Sect.349 DIcunt super sacrament̄ suum, qd accidit die, anno et hora infrascript̄ apud Westm̄ infra cont̄t̄, q̄ contentio exorta fuit inter infranominat̄ &c verbis contumelijosis & opprobrijs ex parte ipsius W. motis: Ita qd idem W. vi & armis in pred' W. R. tunc ibid̄ insultum fecit, et ipsum ibid̄ verberauit, vulnerauit et ipsum interfeciſſe voluit, sup̄ quo idem W. R. ab ipso W. in quantū potuit se extraxit et vsq; quandā septem ex p̄te boreali cuiusdam cāpi ibid' fugit, vltro quā nullo modo euadere potuit, et ex ea causa idem W.R. vlter' non potuit fugere absq; periculo mortis. Et p̄d̄ R.W.eūd̄ W.R.velociter et furiose in se quut' fuit ad ipsum interficiend̄ insult̄ pred' malitiose continuand', Sup̄ quo idem W. R. p̄cipiens se nullo modo viuū inde euadere posse nisi se melius defender̄ ad p̄d' R. W. se reuertebat, & eund̄ R.W.cum baculo infrascript̄ super caput suum percussit et dedit ei plag' infrascript̄ seipsum W.R legitime defendend̄, vnde idem R. W. instanter obijt. Et sic idem Iurator' dicunt qd pred' W.R. non interfecit p̄d̄ R.W. felon̄ nec ex malicia p̄cogitat̄ sed seipsum defendend̄ vt ipse qui mortem suam p̄priam alias euadere nō potuit. Et qd idem W. R. nulla habet bona nec catalla.

An Indictment for a riotous rescous of cattell, taken damnage feasant.

Sect.350. IVratores presentant qd cum R. B. tali die et Anno &c. legitime fuit possessionat̄ de & in manet̄ de H. cum pertinen̄ in W. in com̄ &c. idē R. eisdem die & anno apud W. pred̄ in com̄ p̄d̄ inuen̄ quædam aueria, videlicet &c. in quodam campo continen̄ per estimationem 20. acras pasturę, parcell' manerij de C. in com̄ p̄d̄ ibidem damnum facientes quæ quidem aueria sic tunc & ibidem damnum facientes I. R. & quidā T. die & anno supradict' nomine districtionis ad tunc & ibidem ceperunt & vsq; S. in com̄ pred' fugauerunt, vbi secundum legē et consuetudinem regni Angliæ in quodam parco ibid' imparcare voluissent. Quidam tamen T.B. nuper de W.&c. T. C.&c. aggregatis eis sibi quā plurib' alijs malefactoribus ignotis pacis dei & dñi reg' perturbatorib'

ad

ad manerū &c. modo guerrino arraiat' vi & armis &c. die & anñ suprad̄ apud S. pred' in p̄d̄, I.R. & T. route et riotose ceperunt & rescusserunt, cont̄ form̄ diuers. stat̄ in hm̄di casu nup edit̄ & prouis. ac contra pac̄ &c.

An Indictment for maintenance in the Common pleas.

IVratores presenti, Quod cum in stat̄ in Parliamento dñi Ed. nuper regis Angliæ tertij apud Westmoñ, anñ regni sui vicesimo tent' edit inter cetera cōtinetur, qd nulla persona regni Angliæ cuiuscunq; stat' gradus seu conditionis fuerit aliquam querelam in patria nec in curia dñi Reg. manuteneat seu sustineat sub pœna imprisonm̄t & faciend̄ dicto dño regi finem & redemptionem ad voluntat̄ dict' dñi regis quilibet iuxta statum, gradum & demerita sua, prout in eod̄ stat̄ plenius apparet. Quidam tamen T. D. nuper de &c. stat' pred̄ aut pœnam in eodem content̄ minime ponderans, die et anñ &c. quandam querelā loquelæ quæ est in curia dicti dñi regis ad placita p̄ billam inter quendā M. E. vid' & I. F. subuic' & T. P. vic' Midd' ad quandā transgressionem eid' M. E p̄f. illat̄ vt dicitur p̄ parte pred̄ M. in curia dict' dñi regis manuten̄ & sustētauit, & adhuc manutenet & sustentat in dictæ dñę reg. nunc contempt̄ & populi sui graue damnum, ac contra formam statuti & ordinationis pred̄. Sect. 352

An Indictment against diuers, for vsing a prisoner in prison for suspition of felonie very hardly, thereby to compell him to accuse one of felony falsly.

INquiratur p̄ dño rege si I. O. de I. in comitatu &c. W. W. de eisdem villa & com̄ Merchant, balliui dñi regis villæ pred̄, R. P. de &c. custos gaolæ dñi reg. villæ pred', & I. H. de &c. seruiens ad clauem infra burgum siue libertatem villæ pred̄, die & Anno &c. apud I. pred' in com' pred̄ vi et armis &c. quendam W. T. prisonarium in prisona gaolæ pred̄ pro suspitione felon̄ det̄ent̄ reciperunt ea intentione qd ipsi bona & catalla diuersor̄ ligeorum dñi regis falsiter & extorsiue & iniuste acquisit̄ eundem W. quibusdam funis & cordulis p̄ pedes de terr̄ leuauerunt & seorsum per pedes, scz. pedib' seorsum & capite deorsum, pependerunt. & ipsum p̄ talem duritiam & pœnam ad accusand̄ quendā T. B. ligeum dñi regis de eo quod ipse felonice furat̄ fuisset viginti libr̄ sterlingor̄ & tres annulos aureos ad valenc' xx. s. de bonis & catallis A. C. ad tunc & ibidem felonice arctauerunt & compulerunt, contra pacem domini regis pred' &c. Sect. 353

An

An Indictment against one, for procuring one to commit a Burglarie and robberie in a house.

Sect. 353 IVratores presentᵏ, Quod I.W. nuper de L. clericus, alias dictᵘ &c. tali die et anñ &c. apud paroch' M. magna infra sanctuariam ibidē in warda de A. London, malicioſe & felonice abbettauit et procurauit P.W. de &c. ad felonic' frangend' et intrand' in domum W. Prioris hoſpitalis ſancti Iohānis Ieruſalem in Anglia apud Sainct' Iohns Clerkenwel in predᶜ comñ Midd' infra predᵗ hoſpitalem predᶜ Prioris ibid', et ibidem felonicè furand' capiend' et aſportand' vnum Ciphum argenteum et deauratᵏ vocatᵏ a Goblet predᶜ Prioris ad valenc' &c. et vnam ollam argeñ parcell' deaureatᵏ eiuſdem Prioris ad valenc' &c. et alia bona predᶜ Prioris ibidem exiſtēn: Quarum quidem abbettationis & procurationis prętextu predᶜ R. die &c. vi & armis &c. domum & mancionem dicti Prioris apud &c. infra hoſpitalem predᶜ in comit' &c. circa horam ſecundam in aurora & antea meridiem eiuſd' diei burglariter & felonicè fregit, et predᶜ Ciphum de argentᵏ deauratᵏ vocatᵏ a Goblet ad valenc' C.s. & predᶜ ollam argentᵏ parcell' deauratᵏ ad valenc' x.li. ac alia bona eiuſdem Prioris, viz. duo Saltſeria de argentᵏ & deauratᵏ ad valenc' &c. de bonis et catallis dictᵘ Prioris adtunc & ibidem inventᵏ felonice furatᵏ fuit, cepit et aſportauit, contra pacem &c.

An Indictment for Murder and felony committed within the Verge by one and his ſeruant, vpon a Serieant at Armes

Sect. 354 INquiratur &c. Si A. B. & C. D. ſeruiens predᶜ A. B. tali die & anno ex eorum malitia precogitatᵏ ac inſultu & affraia p eos prædmeditatᵏ, vi & armis &c. apud L. predᶜ in parochia &c. infra virgam in quendam W. P. ſeruientem dñi Regis ad armñ inſultᵏ et affraiam fecerunt et ipſum W. P. adtunc & ibidem vulnerauerunt, verberauerunt & male tractauerunt, & eum quibuſdam gladijs quos in manibus eius dexteris adtunc & ibidᵗ tenuerunt predᶜ W. P. adtunc & ibidem felonice interfecerunt et murderauerunt, contra pacem &c.

An Indictment againſt one for keeping of a common tipling houſe, that he is a common barrator, and keepeth diuers ſuſpicious perſons in his houſe, both men, and women, and vagabonds, drinking, and ſwearing, and vſing vnlawfull games: ſleeping in the day, and watching in the night; And for holding of an hereticall opinion of our Sauiour Chriſts humanitie.

Sect. 355 IVratores &c. Quod A.B. de E. &c. eſt communᵘ Tiplatorᵘ ceruiſiæ & communis batrectator & pacis dñi Regis perturbatᵏ & cuſtodᵗ & manutenet quotidie & noctanter in domo ſua apud &c. diuerſas perſonas ſuſpectᵗ

ſuſpect' tam homines quam mulieres et vagabond' ibid' bibentes, iurantes, & ludeñ ad ludа illicit, viz. apud cardes and dice, in noctib' poſt horas debit & legitimas, & qui vigilank in nocte et dorñ in die: necnon habet fidem & opinionem contra fidem dei. Et hæc verba dixit in Anglicana tali die & anno &c in preſentia A.B.C.D. & aliorum legeorum dict dñi Regis: God neuer toke fleth nor bloud of our Lady in malum exemplum & magnum nocumentum omnium aliorũ ligeorum dicti domini Regis coroñ & dignitat ſuas.

An Inquiſition taken before a Coroner finding that R.H. was rowing in a Boat vpon the Riuer of Seuerne, and ſuddenly fell out of the Boate, and ſo was drowned.

INquiſitio indentat capt apud Worceſter in comitat pred primo die Auguſti, anno regni excellentiſſime principiſſe Mariæ primo &c. coram G.H. geñ vno coronat dictæ dominæ Reginæ comitatu predict ad inquirend qualiter & quomodo quidam Richardus Hochecks in comitatu pred' huſbandman, adtunc & ibidem iaceñ mortu', ad ſuam mortem deuenit per ſacramentum proborum et legalium hominum villæ de W. pred' et trium aliarum villat propinquarum, videlicet N.B. & D. ſcilicet per Sacramentum R.L. &c. Qui dicunt quod ita accidit apud W. predict' in comitatu predict xxx. die Iulij anno ſupradicto quod præd R.H. fuit remigrans in Lintro vocat a Boate, ſuper aquam Sabrinæ & in remigratione præd' præd R.H. ex infortunio repente cecidit de eodem in aquam præd, et merſus fuit. Et ſic dicunt quod idem R.H. ad mortem ſuam deuenit & non aliter, nec alio modo. Et quod pręd' Lintrum attachiatum eſt eo quod fuit cauſa ſeu occaſio mortis ſuæ et appreciatur ad 4. ſolid 4. denar, et remanet in cuſtod' W.H. In cuius rei teſtimonium tam ſigilla pręd' Iurat quam ſigillum præd Coronat huic præſent Inquiſitioni indentat fuit appenſ. dat' die et anñ prius ſupradict. Sect. 356

An Indictment of murder of one man taken before the Coroner, againſt one that committed the murder, and two that were preſent, maintaining procuring and aiding him in the doing thereof.

INquiſitio indentat' capt' apud W. in comitatu pred' ſecundo die &c. Anno &c. coram G.H. generoſ. vno Coronatorum dictæ dominæ Reginæ comitat' præd' ſuper viſum corporis cuiuſdam R.D. apud W. felonice interfecti adtunc & ibidem mortui iaceñ per ſacramentum proborum & legalium hominum de W. prædic.' et trium aliarum villat' propinquarum, videlicet &c, ad inquirend' qualiter & quomodo præ- Sect. 357

pred' R. D. ad mortem ſuam deuenit, videlicet per ſacramentum &c. Qui dicunt ſup ſacramentum ſuum per prædict' A. B. C prolocutores eorum, quod vbi prædic' R. D. fuit in in pace dei & dictæ dominæ Reginæ in regia via ambulans inter Caſtrum Pulderbach & Wrintnal in com̃ pred' 20. die Auguſti, Anno ſuprad' circa horam ſeptimã poſt meridiem eiuſdem diei, vbi venit R. A. de W. præd' in comitat' p̃d' Labourer, vt felo dictæ dominæ Reg. contra pacem eiuſdem dñæ Reginæ coroñ & dignitat' ſuas die, ann̄, hora & loco p̃d' ex malitia et malo propoſit' ſuo precogitat' in inſidijs iacuit, ea intenc' ad murdand' & interficiend' prefat' R. D. ac in pref. R. tunc & ibid' inſult' fecit, & eund' R. cum quodam baculo vocat' a piked ſtaffe, precij &c. quem in manibus ſuis tenuit ſuper occiput eapitis ſui felonice percuſſit dans ei plagam mortal': de qua quidem plaga mortal' idem R. a pred' 20. die Aug. ann̄ ſupradict' vſq; ſecund' diem Sept. tunc proxime ſequen̄ languebat & moriebat'. Et ſic dic' qd pred' Rowland' prefat' R. D. adtunc & ibid' voluntat' & felonice murdrauit & interfecit, & quod habuit in bonis nihil, dicuntque inſuper, Quod quid' R. A. de W. in comitatu p̃d' Huſbandman, T. W. de W. p̃d' com̃ p̃d' Butcher, die, anno, hora & loco pred' perſonaliter intereſſent manutenentes procurantes & auxiliantes p̃f. Row. A. ad felonium & murdrũ felon̄ in forma p̃d' ppetrand' et perficiend'. Et qd p̃d' R. A. habuit in bonis et catallis ad valenc, &c. et remanent in manibus A. A. vxor' eius, & quod pred' T. W. nihil habuit in bonis et catallis ad preſens

An Inquiſition taken before a Coroner, finding that W. V. hunged himſelfe, in a wood in his girdle.

Sect. 358

INquiſitio indentat' capt' apud A. in com̃ pred' die & anno &c. corã G. H. gen̄ vno coronat' dictæ dominæ Reginæ comitat' predict' ſup viſum corpor' cuiuſdã W. V. adtunc & ibidem mortui iacen̄ per ſacramentum proborum et legalium hominum villat' de A. pred' et trium aliarũ villar' propinquarũ, viz. W. H. & M. ad inquired' qualiter et quomodo idem W. ad mortem ſuam deuenit, viz per Sacramentũ &c. Qui triat', elect', onerat' et iurat' ad veritat' de premiſſis dicend' per p̃d' A. B. C. eorum prolocutores, dicunt ſuper eorum ſacrañt', quod predict' W. V. xx. die &c. anno ſupradicto in quodam boſco iuxta Acton predict' vocat' Manors wood, circa horam quartam poſt meridiem eiuſdem diei felonice, vt felo dictæ dñæ Reg. die, ann̄, hora et loco prædict' Deum præ oculis non habens ſed inſtigation̄ diabolica ſeduct' cum quadam zona curreo vocat' a lethorne girdle, precij &c. ſe ſuſpendit, interfecit & murdrauit. Et ſic dicunt, quod prædictus W. ad mortem ſuam deuenit & non aliter, & primi inuentores eius fuerunt T. V. & I.

& I.W. pleg' eor' I.H. & T.H. de Iustic' itinet' cum ad partes illas venet, et habuit in bonis ad valenc' 7.li. 6.s. 8.d. viz. in manib' T.V. de A. pred' &c. 6.s. 8.d. in manib' R.M. &c. 10.s. &c. In cuius &c.

An Inquisition taken before a Coroner, finding that one was murdered upon a heath by one vnknowne.

INquisitio indentat' capt' apud W. in com' pred' die & ann' &c. cor' G. H. vno coronat' dict' dominæ Reginæ com' pred' sup' visum corpor' cuiusdã N. H. alit' in com' Cestr' apud Prees heath, infra dñium de W. in com' p̃d' felon' interfect' adtunc & ibidem mortui iacen' per sacramentum proborum et legalium hominum villæ de W. pred' ac trium aliarũ villar' propinquarũ, viz. &c. ad inquirend' qualiter et quomodo p̃d' N. ad mortem suam deuenit, viz. per Sacramentũ &c. Qui elect', iurat' et onerat' per p̃d' A. & B. eorum prolocutores dicunt: Quod vbi pred' N. fuit in pace dei, et dictæ dñę reg. apud Prees heath pred' in com' pred. die et ann' supradict' circa horam tertiã post meridiem eiusdem diei ibi tunc venit quidam homo adhuc ignotus, felonice vt felo quosd' dñæ Reg. per regiam viam ibid' ex malitia et malo proposito suo p̃cogitat' in insidijs iacuit et in p̃fat' N. adtunc & ibid' insultũ fecit, ac cum quodam baculo vocat' a 'piked staffe, precij &c. quem ipse adtunc et ibidẽ in manibus suis tenuit, p̃f. N. sup' vertic' capitis sui felon' percussit dans ei plagam mortal' vnde cecidit ad terram: ratione cuius idem N. a pred' die, anno et hora languebat vsque 24. diem &c. tunc prox' sequent', & sic tunc & ibid' de pred' plaga mortali mortuus fuit. Sect. 359

An Indictment before the Coroner for killing and robbing of one by the high way, and flying thereupon, and a verdict inquired for not reprehending the felon.

INquisitio indentat' capt' apud B. in com' p̃d' in quodã loco ibid' voc' Sect. 360
Lhwelelle crolle, 4. decembr' an' &c. coram Wa. Wygen, vno Coronat' dict' dñæ Reginæ com' p̃d' sup' visum corpor' cuiusdã I.W. nuper de L. &c. adtunc et ibid' iacen' mortui per sacramẽt' bonor' & legalium hominũ villæ de Buyldas p̃d', & trium aliarũ villar' propinquarũ, viz. &c. ad inquirand' qualiter et quomodo pred' I.W. ad mortem suam deuenit, viz. per sacrament' &c. qui dicunt super sacrament' suum per A.B. C. prolocutores, qd vbi p̃d' I.W. 2. die &c. ann' supradicto fuit in pace dei & dictæ dñæ Reg' equitans inter vill' de Wenlock magna, & Buyldas magna p̃d' in com' pred', sic accidit circa horam vndecimam ante meridiem eiusd' diei' Qd quidam T.L. nuper de H. in com' predict' Scruingman, deum præ oculis non habens ex malitia et male ꝓpositis suis precogit'

apud

apud Lawlete existe pd' in com pred' in insidijs iacuit. Ea intencione ad murdrand et interficiõd' pref. I.W. Ac pd T.L. ex predict malitia sua precogitat, vi & armis &c. in prefat I.W. adtunc et ibid' insultum fecit, et ipsum I.W. ab equo suo sup quem idem Io. tunc equitauit in terram deiecit & collum ipsius Iohannis adtunc et ibid, vi et manu forti torsit & fregit vnde idem I.W. adtunc die, ann, hora, & loco suprad' (vt prædicitur) voluntat & felon murderauit et interfecit: Et vlter' dicunt Iuratores pd quod præfat T. L. immediate post felon & murdrum predict' in form' pred' perpetrat adtunc & ibidẽ vnam crumenam Coriam precij 4.d. & 40.s. in nummis numeratis in dicta crumena tunc existen de bonis & catallis ipsius Io. dum vixit adtunc & ibid a corpore ipsius I. felon cepit. Et sup inde T. L. per defectum & negligentiam inhabitanc' villat de Buyldas pred' fugam fecit tunc minime reprehensus existen pro murdro et felonio predict'. Ideo amerciatur pred' villat de B. pred. ad C. s. pro hõdi escap secundam formam statut in huiusmodi casu edit & prouisi. Et dicunt etiam Iurat prædict super sacrament, quod predict' T.L. predict' secund' die Septemb. anno suprad' seu vnquã postea nulla habuit bona neque catalla terras nec tenementa in comitat predict'. In cuius &c.

An Inquisition before a Coroner, where it is found that a woman killed her selfe with a knife.

Sect. 361

INquisitio indentat capt apud A. in com pred die & ann &c. corã I. A. vno Coronat eiusdem domini Regis sup visum corpor K. vxor G.S. adtunc & ibidem mortui iacen per sacramentum proborum et legalium hominum de A. pred' et trium villat propinquarũ, viz. &c. ad inquirẽd' qualiter et quomodo eadem K. ad mortem suam deuenit, viz. per Sacramentũ &c. Qui elect', iurat et triat ad veritatem inde dicend', per predict' A.B. eorum prolocutor dicunt super sacrament suum, Quod pred' K. deum non habens præ oculis suis sed instigatione diabolica seduct die &c. anno &c. apud W. in Com' pred cum quodam cultello precij 3. denat seipsam felon percussit dextra parte gutturis suæ ad profunditatem decẽ pollicium vnde eadẽ K. languebat ab eodem die vsque ad diem &c. extunc proxim' sequent & moriebatur. Et sic dicũt qd eadem K. ad mortem suam deuenit et non aliter, et nihil habuit in bonis. In cuius rei testimonium &c.

An

An Indictment of one in London for conſeming of Clothiers.

IVratores pro dña Regina preſentant, q̄ S.S. nuper de Londoñ mercator ſciſſor eſt perſona valde mali nominis, famę & cōuerſak' inhoneſtę communis deceptor & defraudator ſubditorum dict' dñæ Reginę. Et q̄ ipſe 30. die &c. anno &c. 30. apud London, viz. in parochia S. Laurentij in veteri Iudaiſmo in warda de Cheape Londoñ p̄d & diuerſis alijs locis & diebus infra Ciuitatem p̄d tam antea quam poſtea, quend̄ Radulphum Wyat de Ciuitate Wigorñ Clothier, & multos alios fideles ſubditos dict' dñæ Reginæ decepit & defraudauit, & per fraudem, aſtuciā, & deceptionem, Anglice by coſenage, diuerſos pannos laneos, vocat Broad-cloathes, tam de p̄d Radulpho Wyat quā de diuerſis alijs dict' dñæ Reginæ ſubditis perquiſiuit, habuit & precepit, in pauperationem ſubditorum dict' dñę Regionę nunc, & in contemptum dict' dñę Reginę & in peſſimum ac perniciolſiſſimum exemplum omnium alior̄ ligeorum ſubditorum dict' dñæ Reginæ in hūdi caſu delinquen', & cont̄ pacem dict' dñæ Reginæ, Coronam & dignitatem ſuas: Necnon cont̄ formam ſtatuti in hūdi caſu editi & prouiſi.

Conçordat cum Recordo.

An Indictment againſt William Hacket, for treaſon and conſpiracie, viz. for practiſing the deprivation of the Queene, and for traiterous words againſt her, and for defacing of her armes, &c. Tranſlated into Engliſh out of the verie Indictment it ſelfe.

THe Iurie doe preſent for the Quéne, that Wl. Hacket late of Dundel in the Countie of Northampton Yeoman, as a falſe traitor againſt the moſt excellent and Chriſtian Princeſſe, our Souerain Lady Eliz. his naturall and Soueraigne Liege Lady, hauing not the feare of God in his heart, nor weighing his due allegeance, but ſeduced by the inſtigation of the diuell, maliciouſly and traiterouſly compaſſing, imagining, deuiſing and intending the depriuation and depoſing of our ſaid Soueraign Lady Eliz. from her honor and royall name of the Imperiall Crowne of this Realme of England, on the 21. day of July, in the 33. yeare of the raigne of our Soueraigne Lady Eliz. now Q. of England, at London, that is to ſay, in the Pariſh of Saint Brides, in the Ward of Faringdon extra London, and diuers other daies and times betwixt the 12. of Februarie laſt paſt, and the 25. day of July, in the ſaid 33. yeare of her Ma. raigne, as well in the Pariſh and Ward afore ſaid, as elſewhere in London afore ſaid, of his owne peruerſe and traiterous minde and imagination, maliciouſly, cryp̄eay

adui-

aduisedly, directly, and traiterously in the presence and hearing of sundrie faithfull subiects of our said Soueraigne Ladie these false malitious and traiterous English words following, concerning our said soueraigne Lady the Queenes Maiestie, falsly, malitiously, aduisedly, expressly, directly and traiterously said, rehearsed, published, and spoke, viz. That the Queenes Maiestie (meaning thereby our said soueraign Quæne Elizabeth) did representall Hypocrisie, and had forfeited her Crowne, and was worthy to be deprined, and that he had bæn of that opinion these 4 yeares, and that he defaced her Armes in Kaies house thereby meaning the house of one Ralph Kaies, situate and being in Knight-rider-street, in the Parish of saint Gregorie nære Paules, in the Ward of Baynards castle L. to take away her whole power of her authority, and was moued thereunto by the Spirit, & that he neither was, nor is sorie therefore to the great scandall and derogation of the person and roialty of our said soueraigne Lady the Qu. and to the subuersion of the state of this realme of Engl., and contrarie to the forme of a statute in this case made and prouided, and also against the peace of our said Soueraigne Lady, her Crowne and dignities &c.

Another Indictment against the said W. Hacket, for practising the deſpoſition and death of the Queene, for ſtirring ſedition in the realme, for raſing of the Queenes Armes, and her picture, and for thruſting an Iron inſtrument into that part of the picture that repreſented the breaſt & heart of the Qu. and that he treated with two others for the bringing to paſſe of their purpoſes, And for traiterous words vttered againſt the Queene, tranſlated into Engliſh out of the very Indictment it ſelfe.

Sect. 365

THe Iurie present for the Qu. That W. Hacket late of Mundel in the County of Northhampton yeoman, as a false traitor against the most excellent and Christian princelie, our Soueraigne Lady Elizabeth by the grace of God of England &c. hauing not the feare of God in his heart, nor weighing his due alleagiance, but seduced by the instigation of the deuill, and intending wholly to withdraw, put out, and extinguish the heartie loue, and the true, & due obedience, which a true and faithfull subiect of the Qu. should beare, and by the law is bound to beare towards our said Soueraigne Lady the Qu. The first day of July in the 33 yere of the raigne of the said Qu. at London in the parish of S. Gregory nære Paules, in the ward of Castle Baynard London, falsly, malitiously, and traiterously intended, imagined, went about, and compassed the said Quæne his soueraigne and natural liege Lady, not onely from her Roiall state, title, power, and gouernement of this Realme of England, vtterly to deprive, depose, cast downe

and

and disherite, but also to bring and put the said Quenes Maiestie to death and finall destruction and sedition in the said realme of England to raise vp, leuie, and make, and also wholly to subuert and destroy the state of this whole Common-wealth, being in and throughout euerie part thereof well constituted and ordered: And to the intent he might fulfill and bring to passe those his aforesaid trayterous purposes, imaginations, compassings, and entents: The said William Hacket afterward, that is to say, the first day of July, in the xxiij. yeare of the reigne of the Quenes Maiestie that now is, did come to the mansion house of one Ralph Kaies, scituate and being in Knight-rider Streete, in the said parish of S. Gregories in the ward aforesaid, and then and there maliciously, diuelishly, and trayterously rased and defaced the Armes of the Quenes maiesty, then and there in the said house being, with this intent, traiterously to take away, put downe and ouerthrow the power and authorities of the said Quene: And that the said William Hacket, for further accomplishing and effecting of his said trayterous purposes, imaginations, compassings, and entents the said first day of July, in the said xxiij. yere of her Maiesties reigne, in the house of the said Ralph Kaies, scituate in the parish and ward aforesaid, did trayterously raze a certaine picture of the Quenes Maiesties, then and there in the said house likewise being: And then and there did maliciously and trayterously put in and thrust an yron instrument into that part of the said picture, that did represent the breast & heart of the Quenes Maiestie. And afterward, that is to say, on the xvj. day of July in the xxiij. yere of the raigne of the Quenes Maiesty that now is, the said William Hacket trayterously came to the house of one John Walker, scituate and being in the parish of S. Mary Sommerſets, in the ward of Quenehithe in London aforesaid, with entent trayterously to conferre and treat with one Edmond Coppinger Gentleman, and Henry Arthington Gentleman, concerning his traytrous purposes, imaginations, compassings, and intents aforesaid: And that the said William Hacket afterward, that is to say, on the xvj. day of July, in the xxiij. yere of the reigne of the Qu. Maiestie that now is, at London aforesaid in the house of the said John Walker in the aforesaid parish of S. Mary Sommerset in the said ward of Quenehith in London, of his own peruerse & trayterous mind and imagination, maliciously, aduisedly, expressly & trayterously, did treate & had conference with the said Edmond Coppinger, and Henry Arthington, by what waies, means, and maner, the said traiterous purposes, imaginations, compassings & intents might be accomplished & brought to passe. And there vpon ye said xvj. day of July in the said xxiij. yere, in ye said house of John Walker aforesaid, scituate and being in the said parish of S.

Marie Somersets in the said ward of Quenehith London, in the presence and hearing of the said Edmond Coppinger, & Henry Arthington, being then and there in the said house, the said Hacket these false trayterous English words following of our said Soueraigne D. Elizabeth, falsely, maliciously, aduisedly, expressly, directly and trayterously said, rehearsed, published and spoke, viz. That the Quenes Maiesty (meaning our said soueraigne Lady Quene Elizabeth) had forfeited her Crowne, and was worthy to be deprined. And that furthermore, the said William Hacket there vpon the said xvj. day of July, in the said xxxiij. yeare, in the said house of John Walker, scituate in the parish of S. Mary Somersets, in the said ward of Quenehith London, maliciously and trayterously moued and stirred vp the said Edmond Coppinger, and Henry Arthington, traiterously and openly to declare and publish in London aforesaid, that the Quenes Maiestie that now is, had forfeited her Crowne, to the great offence and derogation of the person of the Quenes Maiestie, and to the subuersion of the state of this Realme of England, and contrarie to the peace of our said Soueraigne Lady, her Crowne and dignities, &c.

An Indictment of Recusancie vpon the Statute of 1. and 23. Elizab.

Sect. 366. IVratores præsentant pro dña Regina, quod I. S. nuper de parochia S. Margaretæ in Westm̃ in com̃ Midd' armig', Qui xx. die Septembris, Anno regni Reg' Eliz. &c. quadragesimo primo fuit ætatis sexdecem annorum & vltra non accessit Anglicè did not repaire Ecclesię suę parochiali de parochia S. Margaretæ in Westm̃ p̃d in com̃ Midd' præd, nec alicui alię Ecclesię, capellæ aut vsuali loco communis precationis nec ibidem fuit tempore communis precationis ad aliquod tempus infra sex menses proxim̃ sequent' præd' xx. diem Septemb', anno xlj. suprad, sed abstinuit ab eisdem Anglicè hath forborne the same, à præd' xx. die Septemb', anno xlj. suprad, p̃ præd' spacium p̃d' sex mensium extunc proxim̃ sequent' contra tenorem cuiusdam statuti apud Westm̃ in com' Midd', ann̄ regni dictæ dñæ Reg' nunc primo, p̃ vniformitat' communis precationis, ac confirmat' statut' anno regni dictæ dñæ reg' nunc 3. in hmdi casu ædit' & puis. in dictæ dñæ Reg' nunc & legũ suar' contempt' manifestum, necnon contra pacem dictæ dñæ Reg' nunc coron' & dignitat' suas &c.

Memorand, that the course is, that the partie indicted must appeare in proper person, and pleade to the Indictment.

A plea to the Indictment next before.

Midd. ss. ET prædict' I. S. in propria persona sua venit & defendit totum & quicquid contra pacem & in contemptu Dominæ Reginæ nunc aut

legum

legum ſuarum ſuperius facti ſuppoſit. Et proteſtando quod indictament præd' vers. cum exhibit' minus ſufficien' in lege exiſtit ad quod neceſſe non habet nec per legem terræ tenetur reſpondere: Pro placito tamen idem I.S. vlterius dicit quod de præd' non acceſſu alicui Eccleſiæ capellæ aut vſuali loco communis precationis aut de abſtentione inde contra formam ſtatuti præd' in indictament præd' ſignificat vel dealiqua alia trangreſſion offenſ. aut contempt' in indictament præd' ſuperius ſuppoſit', quod ipſe in nullo eſt inde culpabilis. Et de hoc ponit ſe ſuper patriam &c. Et Henricus Fermor gener' qui p' domina Regina in hac parte ſequitur ſimiliter. Ideo ven' inde Iur' &c.

The Venire facias for the returning of a Iurie, to trie the cauſe betwixt the Queene and the partie indicted.

ELizabeth Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, fidei defenſor' &c. vic' Midd' ſalutem: Præcipimus tibi quod non omittas propter aliquam libertatem in Balliua tua quin Venire facias coram N.M. maiore ciuitat' noſtræ London, et ſocijs ſuis Iuſticiarijs noſtris ad goalam noſtram de Newgate de priſonarijs in eadem eiſten deliberand aſſign' apud Iuſtice hall inne olde Baylie, die veneris ſcilicet xiij. die Iunij proxim futur' ad horam primam poſt meridiem eiuſdem diei xigint' & quatuor liberos & legales homines de vicinet' S. Margaretæ in Weſtm' in comitatu noſtro Middleſexæ ad recognoſcend' ſuper Sacramentu ſuum, ſi I.S. de Parochia S. Margaretæ in Weſtm' Cutler Midd' gen' culpabilis ſit de quadam tranſgreſſione et contemptu vnde idem I.S. indictatus exiſtit, necne &c. Et habeas ibi tunc nomina Iurat' præd' et hoc breue. Teſte præfat' N.M. Maiore p' d' apud Iuſtice hall p' d', ſeptimo die Maij, Anno regni noſtri quadrageſimo ſecundo. Fermor.

Mid. ſs.

Executio iſtius præcept' patet in quodam panello huic præcept' annex'.

Reſponſ. { Roger' Clerke / Humphred' Welde } vic'.

An Indictment of Burglarie, and for hanging vp the good man of the houſe by the thumbes vpon a beame with pot-hookes, and for binding with cordes the good man of the houſe and his wife, and for taking out of a cheſt fiue pounds in money.

IVrat' præſentant, q' G.C. nuper de M. in Com' Ceſtriæ & alij ignoti xvj. die Martij, Anno regni Edwardi ſexti Dei gratia Angliæ, &c. quinto

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quinto circa horam vndecimam in nocte eiuſdem diei apud A. in com C. domum cuiuſdam R.W. vi & armis, viz. baculis gladijs & dagarijs burglariter ac felonicè fregerunt & intrauerunt, ea intentione ad ſpoliand. & depredandum prædict' R.W. et in prædict' R.W. ac R.W. filium ſuum & Ioh. vxor' eius adtunc et ibidem inſultum fecerunt, & ipſum R.W. cum quodam inſtrumento vocat' pot-hookes, pollices ipſius R. W. ſuper trabem, vocat' a beame, domus prædict' ipſum adtunc & ibid ſuſpenderunt & prædict' R.W. & Ioh. vxor' eius eum cordis ligauerunt & 100 s. in pecunijs numerat' in quodam ciſto content' de bonis et catallis prædict' R.W. adtunc & ibidem inuent' felonicè ceperunt, aſportauerunt, & ſpoliauerunt, vi & armis, ac contra pacem dicti Domini Regis, ac contra formam ſtatuti in huiſmodi caſu edit' & prouiſ.

An order to bee obſerued in the right framing of Indictments.

Quis, quando, vbi, quid, cuius, quomodo, quare.

Quis. QVis, the perſon with his name, ſurname, addition of the towne, Countie, Art, and Degree.

Quando. Quando, The day and yeere.

Vbi. Vbi, is the place, Towne, and Countie.

Quid. Quid, The thing taken, the colour, the marke, the price and value.

Cuius. Cuius, The owner of the thing, and whoſe it was.

Quomodo. Quomodo, The manner of the doing, and how.

Quare. Quare, The intent, which is comprized in this word (Felonicè.)

SYMB-

Roger Clerke
Humphred Welde } vic.

IVrat' prelatorum, &c. Cuper de M. in Com Cestriæ & aliis ſuis &c. 46°
xvj die Martij, Anno regni Edwardi tertij Dei gratia Angliæ &c.

SYMBOLEOGRAPHY.

Of Compromise and Arbitrements.

A Compromise defined.



Compromise or Submission, Arbitrium, Compromissum, Submissio, is the faculty or power of pronouncing Sentence betweene persons at controuersie, giuen to arbitrators by the parties mutuall priuat consent, without publike authoritie, 8 Ed. 4. 2. Sect. 1.

Compromise diuided.

Euerie Compromise is generall or speciall, Dyer 217. placit 6. 4. Elizab: Sect. 2.

Compromise generall.

A Generall Compromise is of all quarels, actions, executions, and demaunds, &c. Sect. 3.

Compromise speciall.

A Speciall Compromise is euerie submission to order, which is not so generall, as when it is of certaine matters, facts, or things onely, as of trespasse, or of all actions of trespasse, or of a plaint or debt, or detinue &c. Sect. 4.

Parts of Iudgements.

As of euerie other iudgement, so of iudgements which growe by compromise, there are two parts, the persons, and the question. Sect. 5.

Persons in iudgements.

Persons chiefly regarded in Compromise, are the striuing parties, and the Arbitrators. Sect. 6.

Persons striuing.

The parties striuing be they, betweene whom the controuersie dependeth, and which compromise the same, Dyer 217. 4. Eliz: Sect. 7.

Persons striuing two.

And they must be two at the least, namely the plaintife, and the defendant, of which sometime there be two, or more of a side. Sect. 8.

The Plaintife.

The Plaintife is he which moueth the question.

The Defendant.

The Defendant is he against whom the question is moued.

What persons may Compromise, and what not.

All persons both male and female may compromise, but such as are prohibited by nature, or by law. Sect. 9.

Impediments to compromit.

Sect. 10. By nature ſome are prohibited to compromit through defect of the mind, and ſome through defect of the bodie.

Impediments in mind naturall.

Sect. 11. Through the defect of the mind, is when either age is ſuch that by nature they want diſcretion, or being at age they want it, eyther naturally or caſually: as infants vnder one and twentie yeares olde, 10.H.6.14.18.E.4.2.7.E.4.9.

Impediments in mind caſuall.

Sect. 12. And furious madde lunatikes, during their lunacie, 12.E.4.8. and Ideats.

Impediments in bodie.

Sect. 13. Defect of the bodie is ſuch infirmitie as hinderth the principall ſenſes neceſſarie for the attaining of knowledge: as dumneſſe, deafneſſe, and blindneſſe.

Dumbneſſe and deafneſſe naturall and caſuall.

Sect. 14. And therefore perſons by nature dumb & deafe, cannot compromit, as it ſeemeth, for they cannot haue vnderſtanding, neither can they grant, Perkins Sect' 25. But perſons blinde, dumb, and deafe by chance, which can write and read, may well by writing compromit.

Impediments legall, ſubiection, ioynt power.

Sect. 15. Such perſons ſeeme prohibited by law to compromit, as be ſubiect to others power, or haue only ioint power with others, as bondſlaues or villeins, leſt the award ſhould become void on their part, 35.E.3.

Couerture.

Sect. 16. In like maner, women couert without their huſband, 2. Hen. 5. 9.Ed.3.28.

Death ciuill.

Sect. 17. And perſons ciuilly dead: as Monkes, Friers, Canons, profeſſed Nuns, and ſuch other votaries, which be in ſubiection to their ſoueraignes, 14.H.8.16. 2.R.2.5.

Compromiſe.

Sect. 18 Hereunto may be added men, compelled to ſubmit by threats, or impriſonment, 8.Aſſ.25. 7.E.4.21. for in ſubmiſſion the conſent ought to be free.

Attainder and Outlawrie.

Sect. 19. Of this ſort alſo are perſons attainted of felony or treaſon, and perſons outlawed or wained in perſonall actions, for they haue no goods, 36.H.6.26.16.H.6.17. 21.H.7.7. 8.E.4.4. 5.H.7.16.

Ioint power.

Sect. 20. Perſons prohibited to compromit for that they haue only ioynt power with others, are the ſingle members of euerie Corporation without

without their fellow members, as a Dean without a Chapter, an Abbot without his Couent, a Maior without his Comminalty, the Master of a Colledge or hospitall without his fellowes, and so of other societies and guildes, 21. Ed. 4. 13. And in award, it seemeth that such persons onely may of themselues compromit, as may of themselues make good grants.

Arbitrators defined.

Sect. 21

AN arbitrator is an extraordinary iudge, which is chosen, and hath power to iudge, giuen to him by thonly mutual consent, will compromis and election of priuat persons striuing, to thend they may decide their controuersies, 19. H. 6. 36. who because the controuersie is committed to his pleasure and arbitrement, is termed an arbitrator, and for that it is done by ꝑ mutuall promise or compromise of the parties, he is called Cõprimissari' iudex, Dyer 536. 19. El. 39. Or a Iudge hauing cognisance by the compromise of the parties: his power is larger then the power of any ordinary or other extraordinary Iudge appointed by a magistrate, for an arbitrator hath power to iudge according to the compromise after his own mind, as well of the fact as of the law, not obseruing the forme of law, but thother Iudges are tied to a prescript forme limitted to them by the law or Magistrate, of which they be only executors. For which cause *Tully* saith wel: Aliud est iudicium, aliud arbitrium: nam iudicium est pecuniæ certæ, arbitrium incertæ: ad iudicium hoc modo venimus, vt rorã litẽ aut obtineam' aut amittam': at arbitrium hoc modo adimus, vt neq; nihil neq; tantũ quant postulamus consequamur, whence springeth this old saying, Hee that putteth his coat to daying, is like to lose a quarter.

The choise of Arbitrators.

Sect. 22.

SEeing then the power of Arbitrators is such and so great and vncontrolable, warines must be vsed in the choise of them. In which two things seeme necessary to be regarded, namely that the Arbitrators be sufficient and indifferent.

Sufficiencie of Arbitrators considered.

Sect. 23.

TOuching their sufficiency, such persons are to bee elected, as haue sufficient skil of the matter compromitted, and haue neither legal nor natural impediments to giue an vpright sentence. Natural impediments be through defect of mind or body, natural impediments through defect of mind be infancy (for infants by reason of their tendernesse of yeers, want discretion to manage themselues, and their own affaires) madnes, and Ideocie, for they who are maimed with these blemishes, are vtterly voyd of vnderstanding. And although I haue read some examples of sage sentences giuen by fooles, yet dare I not aduise my friends to expect alwayes the like at their hands. As this:

A Fooles Arbitrement.

Sect. 24 THat an hungry begger espying dainty cheere in a cookes shop, hasted thither, and being set downe did eat a small piece of his owne bread, and incontinently receiued such wonderfull comfort by the swéet smell of the cooks cates and sauces, whereof he tasted no bit, that he confessed that his eager stomack was as wel satisfied therwith, and had as good a repast, as if he had indéed stuffed his panch with the best cheere there: which the cooke hearing, straightwayes with a sterne countenance bids the poore caitife pay for his breakefast, whereat the simple guest was mightily amazed, and the craftie cooke so much the more earnest: insomuch that this poore man and the cook were content therein to abide the award of him that should next passe by: no sooner was the submission made, but thither commeth a most notorious naturall fole, to whom as their Iudge they rehearsed the matter, which being heard, the Ideot caused the poore man to put so much money betwéene two balens as the couetous cooke erated, and to shake them in the cookes hearing: which done, this arbitrator awarded, that as the cooke had fed the poore man with the only smel of his cates, so the poore man should pay him therefore with the only sound of his coine, which sentence was highly approued of the hearers.

A simple Magistrates Arbitrement.

Sect. 25 NOt much vnlike to this, is that, which is reported of a couetous churle, who sorrowed extremely, for that he had lost a purse with one and twentis angels in it. But an honest man hauing found the same, of mere conscience deliuered it to the same churle, who not once thanking him that was the bringer, falls to account his coine, and finding onely twenty augels in the purse, with great rigour erated the odde angel, and because the honest man denied the finding thereof, he conuented him before a magistrat of a corporation, whose wealth and authority far exceéded his wit (as in such places commonly happeneth for that affection and simplicitie be their ordinary electors.) The plaintife sweareth, there were one and twenty angels in the purse which he lost: the def. that there were onely twenty in that which hee found: Whereupon the Magistrat pronounced, that the purse found was not the plaintifes, and therefore adiudged him to restore vnto the defend. the purse with twenty angels, leauing the plaintife to good fortune for the finding againe of his purse with one and twenty angels. I thinke a may may trie a thousand fooles in the like cases, before hee receiue the like sentence.

Defects of the body in Arbitrators.

Sect. 26 THe defects of the bodie hindering iudgement, are infirmities, by which the principall sences necessarie for the apprehension of know-

knowledge, are impaired, as by deafeneſſe, dumneſſe, and blindneſſe.

Arbitrators indifferent, who are?

AND for indifferencie, it is good that the Arbitrators bee voyd of malice and fauor to either of the parties, that they be not notorious by outlary, excommunication, or ſuſpected of any other notorious crime, that they be neither irreligious nor couetous: For albeit as it is ſaid, an Arbitrator hath herein abſolute power, yet ought his iudgement or ſentence to be ſincere and incorrupt, according to right and equitie, without malice, flattery, and euery other vicious affection or perturbation, which may in any ſort leade him awry from the right of iuſtice and equitie. Sect. 27

Hitherto of perſons in ſubmiſſions.

The Queſtion.

THe queſtion which conteineth the matter of the arbitriment followeth. Sect. 28

The Queſtion is a thing in controuerſie declared to the Iudge or Arbitrator, to the end it may by him be decided, Dyer fol. 216 4. Eliz. pla. 6.

The Queſtion double.

AND euery queſtion is either about the fact, or about right. Sect. 29

The Queſtion of the fact.

A Queſtion of the facte, is when ſuch a fact is inquired of, as is doubtfull. Sect. 30

The queſtion of right.

THe Queſtion of right, is when the fact being knowen, it is yet doubtfull how much is thereby growen right and due to each partie by law. Sect. 31

What is to be conſidered in each queſtion.

AND in euery queſtion hereupon ariſing, it is to bee conſidered whether the thing in queſtion be arbitrable or no: for in vaine it is to compromit things not arbitrable. Let vs therefore ſee what things be arbitrable, and what not. Sect. 32

What things are arbitrable, and what not.

THings and actions perſonal incertain are arbitrable: as treſpaſſe, a ward taken away &c. 22. H. 6. 39. 14. H. 4. 2. 4 H. 6. 17. But things certaine are not arbitrable but when the ſubmiſſion is by ſpecialty, if they be not ioyned with others incertaine: as debt with treſpaſſe, 4 H. 6. 17. 2 H. 5. 2. 12 R. 2. Dyer 33. H. 8. fol. 51. pla. 14. Sect. 33

But chattels reall or mixt, are not arbitrable by themſelues: as Charters of lands, 9 H. 6. 60. 14 H. 4. 24. if the ſubmiſſion bee not by ſpecialtie, 19 H. 6. 3 H. 6.

Nor

Also an Annuitie is not arbitrable, if the submission be not by specialtie, 9.H.6.60. 14.H.4.18.3.H.4.6.

Nor a freehold, 11 H.4.12. 14 H.4 18. and 19. and 24.54 E.3.16. 22. Ass. pla. 16. 21. E.3.15.

Nor debt upon arrerages of account before Auditors, 4.H.6.17. because such debt is due by record, 3.H.4.5. 6.H.4.9.

Also it seemeth that neither such things as were not in rerum natura at the time of the submission, though they happen to be before the award made be arbitrable; as if the submission be of ewes with lambe, which after the submission and before the award made have lambs, it seemeth they have no power to make any award touching the lambs.

Matters concerning the commonwealth seeme not arbitrable as all criminall offences, as treasons, felonies, &c. touching the crime, for it is for the benefit of the commonwealth, that such offendors bee made knowen and punished.

Also causes matrimoniall seeme not abitrable, lest men should seperate those whom God hath ioyned together.

Circumstances regarded in submission. First that it be in writing.

Sect. 34 NOw that wee have set forth the persons and things necessarie in euery compromise, it is good to consider such other circumstances as be requisite in the same.

Where things therefore beside the persons and things are meet to be obserued in euery compromise.

First that euery compromise be made by writing with the parties, couenants or bonds sufficient to binde their heires and executors to performe the award which shall thereupon be made, that both the arbitrators may know their power, and the parties how farre they are subiect to their sentence. And also least their labour and iudgement therein should be frustrate for want of meanes to compell the same to be executed.

Of the power giuen to Arbitrators.

Sect. 35 SEcondly, it is behouefull that the very compromise arme the arbitrators with sufficient authority to do all things necessary for the ending of the controuersies, as to appoint times & places for their meeting, to examin, and decide the matter compromitted, and to bring the parties with their proofs, euidences, and witnesses thither together before them. And to punish the persons defecting, and to expound and correct such doubtfull sentences and questions, as may arise vpon their award, inconuenient to either parties, contrary to equity, and the arbitrators good meaning, which inconueniences could not by them bee foreseene at the making of the award, as it oftentimes happeneth: for tempora filia veritas, trueth is the daughter of time.

Of

Of time and place.

THirdly, that by the compromise, consument time and place be limited for the yelding vp of their award to the parties or their atturnies, deputies or assignes, least the parties should otherwise belong lingered with vaine hope of an endlesse end, and that the arbitrators may before the set time finish their award: for whatsoeuer they do arbitrate after the time appointed, is void, 8.H.6.f.18. Sect.36.

And it is all void that is not conteined in the submission, or necessarily depending thereupon, 7.H.6.f.40. 8.H.6.f.18. 16.H.6.f.11. as shall more largely appeare, when we come to the doctrine of arbitrements.

The instrument of compromise or submission, may be made in form following.

A Compromise or submission, with couenants to performe the same.

THis Indenture made &c. betwen A.B. on the one partie, and C. D. on the other partie, witnesseth, that the said A.B. and C.D. do by these presents willingly compromit and submit themselues, and either of them, to the award, arbitrement, order, rule, doome, and iudgement of E.F. and G.H. arbitrators indifferently named, elected, and chosen by the said parties to arbitrate, award, order, decree, and iudge, of and vpon all and al maner of actions, suits, quarels, debts, accounts, trespasses, controuersies, debates, & demands whatsoeuer, had, made, moued, depending, or accrued, or which might haue beene had or moued between the said parties at any time or times before the date hereof, except one action of debt &c. depending betweene the said parties in the K. Maiesties Court of common pleas, or before &c. and except one debt of x.li. due to the said A.B. by the said C.D. for the price of certaine corne &c. and except all lands and tenements of the said A.B. and such like exceptions &c. So alwayes, that the same arbitrators do make their award, order, and iudgement, of and concerning the premisses to be made, by writing indented, vnder all their hands and Seales, on this side, and before the x. day of June now next ensuing, & one part of the same deliuer or cause to be deliuered by the said Arbitrators to the said A.B. or his certaine atturney or atturnies in that behalfe, requiring ỳ same, the said x. day of June now next comming, at or in ỳ parish Church of R. in the said county of Yorke. And the other part of the said award to the said C.D. his atturney or atturnies, deputie, or assigne, requiring the same at the said day and place: and so alwayes, that the said arbitrators do not by the said award order or appoint any act or acts, thing or things, to be done or performed, by, or to any person, or persons, other then to or by ỳ said parties to these presents, their heirs, execut. administrat. or assignes, or some of them, and not to or by any stranger or strangers to this present submission. And the said A.B. Sect.37.

and

and C.D. either of them for themselues, their heires, executors, and administrators, and the heires, executors, and administrators of either of them, doe by these presents mutually couenant, conclude, promise, and agree to and with the other his executors, and administrators, euery of them, that neither they, nor either of them, will at any time hereafter reuoke the authoritie hereby giuen to the said Arbitrators, nor discharge them nor either of them in the said facultie or power of Arbitration. And that they and either of them, and the heires, executors, administrators, and assignes, of either of them, on their seuerall parts shall and will well and truly obserue, performe, fulfill and keepe all and euery clause, sentence, article, submission and agreement in these presents mentioned on his or their part to be performed and kept, according to the tenor, true intent, and meaning of the same. In witnes whereof, the said parties to these presents haue interchangeably set to their hands and seales, the day and yeare aboue written.

Of binding the parties to performe the award.

Sect. 38. OR the parties may submit themselues to award by obligation, with condition according to the effect of the said Instrument of submission, but that seemeth perillous, for that so they may for a trifle hazard the whole penaltie of the bond, which were too too mischieuous. Neuerthcles if any be willing to aduenture, the parties may be bound either to other, and the condition may be made in forme following.

The condition of an Obligation to performe an award.

Sect. 39. THe condition of this Obligation is such, that if thaboue bounden A.B. his heires, executors, administrators, and assignes, and euerie of them do on his and on their part and behalfe, well and truly stand to, obey, performe, fulfill and keep the award, arbitrement, order, rule, doome, and iudgement of S.T. and W.R. arbitrators, indifferently elected and chosen, as well on the part of the said A.B. on the one partie, as on the part of the aboue named C.D. on thother party, to arbitrate, award, order and iudge, of, and vpon all and all maner of actions, suits, quarrels, debts, accompts, trespasses, controuersies, debates, and demaunds whatsoeuer had, moued, depending, or accrewed, or which might haue been had or moued, betweene the said parties at any time or times before the date hereof, except one action of Iectione firmæ, depending betweene the said parties in the Kings Maiesties court commonly called the Kings Bench, as by the Records thereof in the same court remaining, it doth and may appeare, and except out of this submission, all landes and tenements of the said A.B. (or any like exception.) So alwaies that the same award, arbitrement, order, and

iudge-

iudgement, of, and concerning the premisses bee made by writing indented vnder all their hands and seales before the first day of December now next ensuing, and one part of the same deliuered or caused to be deliuered by the said arbitrators, to the said A.B. or his certain attorney or attorneis, deputy or deputies in that behalfe requiring the same the said first day of December now next insuing, at, or in the parish Church of R. in the said Countie of Yorke: and the other part of the said award be likewise deliuered by the said arbitrators, to the said C.D. or his certaine attorney or attorneyes, deputie or deputies in that behalfe requiring the same, at the said day and place. And so that by vertue or occasion of the said award neither of the said parties, nor the seuerall heires, executors, or administrators, of them, or any of them be bound any act or thing, to or by any stranger to the same award and to these presents. And so as the said A.B. do not discharge the said arbitrators before the said time. That then this present obligation to be vtterly void and of none effect, or else to stand, remaine, continue, and be in full strength and vertue.

Of the condition to performe an award of lands.

Also if the award be concerning a title to land, the words in the condition may be thus. Sect. 40

As well, of, for, and concerning the right title, interest, vse, possession and demand, of, and in the manor of S. with the appurtenances in S. in the said county of Y. & all lands, tenements, & other hereditaments with thappurtenances in S. aforesaid, in the occupation of the said A.B. and his assignes, as, of, and vpon all actions, trespasses, suits, quarrels, debates, bules, debates, griefes, incombrances, and demaunds, had, mooued, stirred, or depending, betweene the said parties, concerning the said manor, tenements, and premisses, or any part thereof. And also, if the said A.B. before the feast of P. now next comming, doe shew vnto the said arbitrators, all such writings as he hath concerning the said manor and premisses, at such time and place, as the said arbitrators shall appoint for the sight thereof. So alwayes that, &c. vt supra. That then, &c. vt supra.

Whether power to arbitrate may bee assigned.

An arbitrator chosen cannot grant, or assigne ouer his authority of arbitration to any other, 8. Ed. 4. fol. 1. & 9. because it is but a priuie power, (which) is not to be granted ouer: notwithstanding the opinion in 49. Ass. 3. to the contrary. Neither doeth the submission extend to giue the arbitrators power to elect others. Sect. 41

Whether

Whether the Compromittors may diſcharge the Arbitrators, or no.

Sect. 42 And it ſeemeth that albeit the parties haue agreed vpon dayſmen or arbitrators, yet before the arbitriment made, either of the parties may reuoke the authoritie giuen to the arbitrators, and diſcharge them thereof, for power may be countermanded, but if the ſubmiſſion be made by bond, then the bond ſeemeth to be forfeited, 5. Ed. 4. 1. 21. H. 6. 30. 28. H. 6. 6. 49. Ed. 3. 9.

But by Aſhton Juſtice, if two plaintifs and one defendant, or two defendants and one plaintife put themſelues to the award of others, neither the one plaintife without the other, nor the one defend. without the other, may diſcharge the arbitrators, 28. H. 6. 6. And by Finch 49. Ed. 3. 9. If the ſubmiſſion be by deed, the diſcharge muſt be likewiſe be by deed. So much of ſubmiſſions, arming the arbitrators with power: Now of arbitrements iſſuing from the ſame.

What an Arbitrement is.

Sect. 43 An arbitrement, or award therefore, arbitramentum, laudum, arbitratus, Libt intration debt in arbitr' 2. & 3. is nothing elſe but the very doome, order, and decree pronounced by arbitrators vpon the controuerſie, for the ending whereof they were choſen by the ſtriuing parties, Dyer 356. 10. Eliz. pla. 39.

Of things regarded in Arbitriment.

Sect. 44 In the forme of euery Arbitrement, fiue things are ſpecially to bee regarded.

Firſt, that it bee made according to the very ſubmiſſion or compromiſe touching the things compromitted, and euery other circumſtance, as is ſaid, 9. Ed. 4. 44. Plow. 396. a

Secondly, that it be a final end of the controuerſies compromitted, 19. H. 6. 36. 21. Ed. 4. 38.

Thirdly, that it appoint either partie to giue or doe vnto the other ſome thing beneficiall in apparance at the leaſt, 43. Ed. 3. 28. Dyer 356 19. Eliz. pl. 39. 12. H. 7. 39. H. 6. 9. 22. Ed. 4. 25. 7. H. 6. 40. 19. H. 6. 36. 10. H. 6. 19.

Fourthly, that the performance thereof be poſſible, 22. H. 6. 46. 8. Ed. 4. 1. & 9. 17. Ed. 4. 5. H. 7.

Fiftly, that there be a meanes how either party may by law attaine vnto that which is awarded vnto him, 5. Ed. 4. & 24. 17. Ed. 4. 5. 18. Ed. 4. 22. & 23. 5. H. 7. 23.

For if it faile in any of theſe poynts, then is the whole arbitrement voyd and of none effect, as it doth manifeſtly appeare by theſe ſpeciall caſes following. As,

An

An award that the parties shall obey the arbitrement of A. B. is void, for power cannot be assigned, 8.Ed.4.19.

An award that any of the parties shall be bound, or do any other act by the advice of the arbitrators, is not good, because they cannot make severall awards, 18.Ed.4.22.23. but that the parties shall be bound, or make an assurance by the advice of councell is good, 18.Ed.4.22. & 23.

Arbitrement that the parties shall be nonsuit in actions, is not good, for everie award ought to be a satisfaction to the parties, and a determination of things compromitted, so as one partie haue amends, but when one hath bin nonsuit, he may begin again, 19.H.6.36.21.E.4.38.

But an award that the parties shal make discontinuance and retrayts of their suits, is good, 21.E.4.28.5.H.7.22.

If the submission be of diuers things, and the award onely of some part of them, yet is the award good, for that part notwithstanding, as if the submission be of all actions reall and personall, and the award of actions personall onely: and it be de iure & possessione, and the award is only de possessione, 19.H.6.6.per cur, notwithstanding the contrary opinion of Prisot, 39.H.6.9.

An award that an action shall be sued betweene the parties, by the advice of A. and B. is good, for that A. and B. in this case are not arbitrators, but executors of the award, yet quære, for it is uncertain whether they will giue aduice, or no, 8.Ed.4.1.& 4.

Arbitrement that the plaintife shall pay to the defendant x.li. and release to him all actions. And that the defendant shall release to the plaintife all actions, is good, 20.H.6.18.& 19.

Arbitrement that either partie shall release to other all actions, and that because the one hath trespassed more then the other, he shall pay to the other, x.s. is good, 20.H.6.18.& 19.

Arbitrement that either party shall goe quite against other, is good, 20.H.6.18.& 19. 10.H.6.14. 19.H.6.36. 22.H.6.39. Dyer 356.16. Eliz pl.39. 21.H.6. that it is not good, if the submission were by parol, 9.Ed.4.8.

An arbitrement in trespas is not good, if it award not some thing to the plaintife for amends, 43.Ed.3.28.

In trespas of goods taken, it is no good award, that the defendant shall retaine part of the goods, & the plaintife haue the rest, 17.Ed.3.16.

In debt of x.li. it is no good arbitrement, that the plaintife shall retaine the one moitie, and the defendant haue the other, 45.Ed.3.16.

In trespas, award that if the defend. will wage his Law, that he is not guilty, that then he shal go quite, and that the plaintife shal release vnto him, seemeth good, 46.Ed.3.17.

Award,

Award, that for ſomuch as the one hath done more treſpaſſe then the other, therefore he ſhall giue him a peny for amends, and that the other ſhall goe quite againſt him, is good, 19.H.6.3.6.

By Prior, if two ſubmit themſelues to arbitrement of all treſpaſſes &c. and it is awarded, that the one ſhall make amends to the other, and nothing is awarded for the others benefit, this award is void, 7.H.6. 40. 39.H.6.9. 22.Ed.4.25. So if it were that the one onely ſhall goe quite againſt the other, for an award muſt be finall, obligatory, and ſatisfactorie to both parties, 7 H.6.40. 19.H.6.36. 20.H.6.18.

Award in treſpas of goods taken that the defendant ſhall carrie and redeliuer the goods taken to the plaintife, is good, 12. H.7.14.& 15.

Award that the one partie ſhall pay xx.s. or enfeoffe &c. is good, and the performance of either ſufficeth, 21.H.6.22.H.6 52.

An award that one of the parties ſhall doe an act to an eſtranger, is void, if the parties be not bound, 22.H.6.46.

Or if an award be to pay x.li. to an eſtranger, it is voyd, for how can he pay the ſame, if he will not accept it, 22.H.6.46. 8.Ed.4.1.& 9.

Or if the award be that he ſhall cauſe an eſtranger to enfeoffe the other partie, for he hath no meane to compell the ſtranger, 17. Ed.4.5. So if it be awarded that he ſhall be bound with ſuerties, 18. Ed.4.22. 23.5.H.7.23.

Arbitrement that money ſhall be paid at a day to come, is good, for the partie may thereof haue an action of debt after the day, if it be not paid accordingly, 20.H.6.12. 5.Ed.4.7. But award to doe any other thing at a day to come, is void, if the ſubmiſſion be not by ſpecialtie, becauſe the partie hath no means to compel his aduerſarie to performe it, 5.Ed.4.7.& 24.

An award is void (as is ſaid) if it neither be executed, nor any means by law for the execution thereof: as if it be awarded, that the one ſhall pay to the other x.li. this is good, for he may recouer the ſame by action of debt. But if it were awarded that the one ſhould deliuer to the other an acre of land, or doe ſuch like act executorie, it were voyd, if it be not deliuered ſtraight way, or prouiſion made by bond, or otherwiſe to compell the performance thereof according to the award, 19. H. 6. 36. 20.H.6.12. 5.Ed.4.7. 19.Ed.4.8.

Thus much of the doctrine of Arbitrements, now of their ſeuerall formes.

An Arbitrement, or award of lands, by which the partie couenanteth to performe it.

Sect.45. THis Indenture made &c. betweene L.R. &c. of the one partie, and L.M. of &c. of the other partie, Witneſſeth, that whereas there hath

hath been, and yet is contention, variance, & suit betwixt the said parties, not only for and concerning the right, title, and interest, of and in a certaine quantity of ground, by estimation two acres or thereabout lying in R. and adioyning to the Mill of the said T. R. in T. aforesaid, claimed by either of the said parties to be his owne land and inheritance: But also for and concerning certaine wayes to the Mill of the said T. through the ground of the said L. from all the Townes, Villages, Hamlets, and other places in the North side of the riuer of D. bordering, lying, and being within the space of 5. miles of the said Mil, and all other matters and controuersies betwixt the said parties. For the friendly ending and appeasing of which said variances & controuersies, the said parties haue compromitted and submitted, and by these presents do compromit & submit themselues, and all matters in variance aforesaid, to the order, arbitrement, award, dome, and iudgment of F. W. and T. W. Whereupon the said Arbitrators hauing viewed the said ground in variance, and perused diuers writings and euidences concerning the same, and heard the testimony and witnes of diuers ancient men & neighbors dwelling nigh the said ground, as well touching the occupation and vsage of the said ground by the said T. R. and his ancestors, as also the said waies vsed vnto the said mill, by the inhabitants aforesaid time out of mind, do make & declare their award, order, dome, and iudgement touching the premisses and euery part of them. * And the said T. R. and L. M. do couenant and grant seuerally either of them, to and with the other, for themselues, their heirs, executors, and administrators, in maner and forme following. And first the said Arbitrators doe order, award, and iudge, And the said L. M. is so contented and agréed, and accordingly doth couenant & grant, for him and his heires, to and with the said T. R. his heires &c. that hée the said T. R. shal and may frō henceforth haue, hold, occupy, and quietly enioy to him and his heires for euer, the said parcell or quantity of ground, containing by estimation two acres, lying and being on the North side of the riuer of D. directly ouer against the said Mill, and demesne lands of the said T. R. in T. aforesaid, as it is now bounded and meared forth with stones by the said Arbitrators, And shall also haue, and may take to his and their owne proper vse all the trées now standing or being, or that hereafter shall growe in and vpon the said ground, and all other profits and cōmodities cōming of and vpon the said ground (only the thorns, briars, and herbage, excepted and forepriſed) with free libertie, entry, and passage, for the felling, hewing, leading, carrying away, and taking of the same trees, and all other the said profits and commodities (except before excepted) at all and euery time and times hereafter, at his and their pleasure. And

M. that

that the said T. R. his heires and assignes, and all & euery other person and persons, that shal come & bring any corne to the mill of the said T. R. called T. Mil, from the said townes, villages, hamlets, or any other place inhabited, shal haue free liberties, waies, and passage for the carrying, fetching, and bringing of their corne to the said Mil, aswel ouer and through the said parcell of ground set forth and meared as is aforesaid, as also through and ouer other the grounds of the said L. M. in B. aforesaid, in as ample and large maner and forme, as the inhabitants of the said townes, villages, and hamlets, or other places haue bin accustomed and vsed to do at any time heretofore, and as it is now most commonly vsed. * And shall and may tie and fasten any their horses, mares, or other beasts, wherewith they carry any corne to the saide Mill, to any tree growing, or other thing, beeing in and vpon the said ground, so that the string, cord, or rope, exceed not the length of foure whole yards at the most. * And that the said T. R. his heires and assignes, shal & may lawfully at all and euery time & times, so oft as need shal require, amend and repaire, al and singuler the waies, & euery part thereof, for the ease, safegard, and passage of the inhabitants of the said townes, villages, hamlets, & places inhabited, comming & going to and from the said Mil, without any let, trouble, veration, or contradiction of the said L. M. his heires or assignes, or any of them. And that the said L. M. his heires or assignes, shall at all times within the space of two years next ensuing the date hereof, doe make, knowledge, and suffer, or cause to be made, knowledged, and suffered, all and euery act and acts, thing and things, as shall be reasonably deuised or aduised by the said T. R. his heires or assignes, or his or their learned counsell, at the only proper costs & charges in all things of the said T. R. his heires or assignes, for the further and better assuraunce & sure making aswell of the said parcel or quantity of ground, cõtaining about 4. acres, as also of the said waies, in manner and forme before expressed, vnto the said T. R. his heires and assigns for euer, according to the true effect, meaning, and purport of these presents: In consideration whereof it is further ordained, awarded, demed, and iudged by the said Arbitrat. * and the said T. R. doth so couenant &c. that he the said L. M. his heires and assignes, shall and may haue, take, and enioy onely the grasse and herbage, with the thornes and briers yerely growing, or being in, or vpon the said parcell or quantity of ground so bounded or set forth, as is aforesaid. And in further consideration of the premisses, the said T. R. hath paied to the said L. M. at the insealing hereof, at the request of the said Arbitrators, the summe of xx li. &c. * In witnesse whereof, not onely the said parties to these present Indentures of awarde interchangeably haue put their seales, and subscribed their names: but also

the

the said Arbitrators to both the parties of these Indentures, haue put their seales, and subscribed their names the day and yeare &c.

An other Arbitrement of debt, where the parties are bound to performe it.

TO al true christian people to whom this present writing of award indented shall come, G.W. G.M. S.S. & T.M. of &c. send greeting in our Lord God euerlasting. Whereas diuers suites &c. betwern T.W. & I.S. of &c. For pacifying, ordering and ending wherof, the said T.W. & I.S. haue bound themselues either to other in the sum of M.li. of lawfull English money, by their seuerall obligations bearing date &c. with conditions thereunder written, to stand to &c. vt supra, of the said G. I.S. & T. Arbitrators indifferently elected and chosen, as well vpon the part and behalfe of the said I.S. as of the said T.W. to award, arbitrate, order, rule, iudge, end & determine all, and all maner of suits, debts, actions, controuersies, debates and demands whatsoeuer, depending betweene the said I.S. and the said T.W. & W.W. his sonne and heire: so that the said award were made and giuen vp in writing vnder the hands and seales of all the said Arbitrators, at or before the &c. at &c. as by the said obligations and conditions amongst other things doth and may appeare. * Know you vs, that the said G. I.S. and T. taking vpon them the charge & burden of the said award, and hauing deliberately heard the grieues, allegations & prowes of both the said parties, doe by these presents, arbitrate, award, order, deeme, and iudge of and concerning the premisses in manner & forme following that is to say, * First they doe award, order, deeme and iudge by these presents, that the said I.S. his executors or administrators, or some of them, shall well and truely pay or cause to be paid vnto the said T.W. or his certaine Attorney, executors or administrators, or some of them at or before the &c. at or in the &c. CC. li. of &c. and at or before the &c. other CC. li. of &c. in full satisfaction of CCCC. li. For paiment wherof the said I.S. stood bound to the said T.W. in and by foure seuerall obligations, wherof two are alreadie forfeited as therby may appeare. * Also the said Arbitrators doe award, order, &c. that the said I.S. his executors and administrators, or some of them, at their or some of their costs and charges, shall before the &c. cause and procure, that all suits, bills, plaints & informations heretofore commenced against the said T.W. in any Court or courts whatsoeuer, either by or in the name of the said I.S. or by or in the name of H.S. his son, or by or in the name of our Soueraign Lady the Q. Maiestie that now is, and of euerie or any of them, or by or in the name of any other person or persons, by the consents, meanes and procurements of them, or any of them, shall thence-

Sect. 46.

forth surcease, and be no further proceeded in by them, nor any of them or by the meanes, consent or procurment of them, or any of them. And before the &c. be vtterly discontinued and made voide. * And the said Arbitrators doe further award, order deeme & iudge by these presents, that for the sure payment of the said sum of CCCC. li. the said I. S. and G. S. within two daies next after tender or deliuerie of the one part of this present award to the said I. S. shall dwell and sufficiently make, seale and deliuer as their deeds to the said T. W. in &c. one obligation or writing obligatorie sufficient in the Law, wherin and whereby the said I. S. & G. S. shall acknowledge themselues, and either of them to be iointly and seuerally bounden to the said T. W. in the sum of VCCC. li. of &c. with condition thereupon in due forme of Law indorced for the sure payment of ỳ said sum of CC. li. parcell of CCCC. li. at or in the &c. before &c. And the other CC. li. residue of the said sum of CCCC. li. at or before the &c. and at &c.* Also the said Arbitrators doe further award &c. that the said I. S. his executors or administrators, or some of them, shall and will before the &c. at his and their owne proper costs and charges, cause and procure to be cancelled and made void one recognisance of CC. li. bearing date the &c. knowledged and enrolled in the M. Maiesties high Court of Chancerie, wherein and whereby the said T. W. standeth bounden to the said I. S. in the said sum, with condition thereunto annexed, that if the said T. W. his heires, executors, and administrators, and euerie of them, should well and truly obserue, performe, fulfill, and kéep all and euerie the couenants, grants, articles and agreements, which on his and their partes were to be obserued, performed, fulfilled and kept, conteyned and specified in one indenture, bearing date the &c. had and made betwéene the said T. W. on the one partie, and the said I. S. on the other partie, concerning the mariage of W. W. son and heire apparant of the said T. W. & A. S. daughter of the said I. S. according to the true intent, purport and effect of the said indenture: That then the said recognisance to be void, and of no effect, or else to stand &c. as by the said recognisance and indenture more plainly and at large appeareth.* And also that the said I. S. his executors, or administrators, or some of them, shall, and will before the feast of &c. deliuer, or cause to be diliuered vnto the said T. W. his executors, or administrators, or some of them, in the said new dwelling house of the said T. W. aforesaid, the said indenture of couenants concerning the foresaid mariage, cancelled or to be cancelled. In witnesse whereof the said Arbitrators to both parts of this present award indented, haue set their hands and seales. Dated &c.

An Arbitrement or award of debt made by an Earle vpon submission by bond.

Sect. 74.

TO all true Christian people, to whom this present writing of award indented shall come, The right Hon. G. earle Marshall of England, &c. sendeth greeting, &c. Whereas diuerse suits, variances, controuersies, & debates, heretofore haue bin had, moued, & depending, betweene L. G. of L. in the coũty of Y. yeoman, on the one party, and F. P. of D. in the said county gentleman, on the other party: for pacifying, ordring, and ending whereof, the said L. G. & F. P. haue bound thẽselues either to other in the sum of CCCC. li. of &c. by their seuerall oblig. bearing date &c. now last past, with condition thereunder written, to stand to, abide, performe, fulfil, and kẽp the award, order, rule, dome, iudgem. and determinatiõ of the said earle indifferently elected and chosen by the mutual consent, and at the earnest and hũble request & petitiõ of both the said parties, to arbitrate, award, order, iudge, and determine of, for, and concerning all and all manner of actions, suites, quarrels, debts, duties, and demands whatsoeuer, had, moued, or depending, or which hereafter might be had, moued, or depend betweene the said parties, by reason of any matter, thing, or things whatsoeuer, accrued, or grown frõ the beginning of the world, vntill the day of the date of the same obliga. so y the same award were made in writing indented, vnder the hand and seale of the said earle before the xix. day of &c. and thone part of the same writing indented, deliuered, or caused to be deliuered by the said earle to the said L. G. to his executors &c. or any of thẽ, or to their, or any of their vse, vpon, or before the said xix. day of &c. at, or in the now mansion or manor house of the said earle, called D. in &c. and the other part therof, to the said F. P. &c. vt supra, as by the said oblig. and conditions therof both & may more at large appear. * Know you now, that the said earle of his mere good will and fauour which he beareth to both the said parties, and of the great and honorable respect, which he hath of their future quietnesse, taking vpon him the charge and burden of the said award, and hauing deliberately at sundry times at large heard & considered the grieues, allegations, and proofs of both the said parties, doth by these presents arbitrate, award, order, deeme, and iudge, of and concerning the premisses in maner and forme following, viz. * That the said F. P. his &c. or some of them, shal well and truly pay, or cause to be paied vnto the said L. G. his &c. or some of them, the sum of Clx. li. of &c. in the &c. in manner and forme following, viz. vpon &c. lxxx. li. thereof, and vpon &c. other lxxx. li. thereof residue, and in full payment and satisfaction of the said summe of Clx. pound. * And that in consideration thereof, the said L. G. shall permit, and suffer all suits, actions, quarrels, debts, duties, and

 demands,

demands growne before the date of the said obliga. to cease, and be discontinued, and no further prosecuted by him, or any other by his procurement. * And furthermore, forasmuch as the said F. M. is charged, as is aforesaid, for the paiment of the said sum of Clr. li. partly by reason of a iudgement heretofore giuen for the said T. G. against one L. S. in the M. maiesties court, commonly called the K. Bench, in action of debt, in which the said T. G. hath recouered against the said L. S. CClxxv. li. and iij. d. as by the record thereof remaining in the said court appeareth. His honor doth further award by these presents, in releise and ease of the said F. M. that if the said F. M. his &c. or any of them, do wel and truly pay, or cause to be paid, the said sum of Clr. li. according to the true meaning of this present award. And if the saide L. S. his heires &c. or some of them shall not well and truely satisfie, content, and pay vnto the said T. G. his &c. the said seuerall summes aboue in this award appointed to be paid by the said F. M. before the seuerall dayes herein aboue mentioned: That then and at all times after any such default of paiment so to be made by the said L. S. his &c. the said T. G. his &c. shall permit and suffer the said F. M. his executors and administrators, and euery of them, at the costs and charges of the said F. M. his executors and administrators effectually to prosecute, or cause to be prosecuted all and euery such execution and executions vpon the said iudgement so had for the said T. G. against the said L. S. as to them, or any of them, or the learned counsel of them, or any of them shall seeme good. And all and euery sum and sums of money thereby to be obtained, to take and conuert to the onely proper vse and behalfe of the said F. M. his executors & administrators, without any account, recompence, or payment thereof, or therefore to be yelded or made to the said T. G. his &c. or any of them: any thing in this present award contained &c. notwithstanding. * In witnes whereof, the said Earle to both the parts of this present award hath set his hand and seale, Dated &c.

All such couenants & cõditions as be vsually made for the assurance or enioying of lands or tenements, goods, and chattels, may be inserted into awards, as shall seeme good vnto the Arbitrators or parties.

Of notice of the Arbitrement.

Sect. 48. AND when the Arbitrators haue made their award, according to the submission, albeit perchance they be not bound to giue notice thereof to the parties, yet it seemeth very requisite, that they should in due time, before that either partie be to performe any part thereof, notifie the same vnto thẽ, lest otherwise they might breake their bonds or couenants in that behalfe (if any such be) before they know the same. Notwithstanding, that the booke in 8. E. 4. 11. & 9. be doubtful in that point.

The

The finall cause and effects of Arbitrements.

And thus, by that which hath bin discoursed, it sufficiently appeareth (as we thinke) that the scope and end of Arbitrements, and other Iudgements, is all one: And chiefely, the finall determination of strife, suit, and controuersie, 19. H. 6. 36. And so consequently their effects be almost equall. But the Lawes seeme more fauourable to Arbitrements then other Iudgements, inasmuch, as by Arbitrators the strict course & tedious ceremonies of Law suites (which are most commonly wont to wearie suiters, and picke their purses) are cut off, and shorter decisions by them made, with little or no cost at all. Sect. 49.

We deferre to shew how Arbitrements may be pleaded in barre of other actions, vntill we come to their fit place amongst our presidents of pleadings, and so end this Treatise.

Award made by an Arbitrator touching Copyhold Land, betweene an Alderman of London, and another.

TO all Christian people, to whom this present writing of award indented shall come, H. T. of Lincolnes Inne, in the Countie of Middlesex Esquire, sendeth greeting in our Lord God euerlasting. Whereas suit, variance, and debate heretofore hath beene, and yet is had, moued, and depending, aswell in the Queenes Maiesties Court of Requests, as in diuers other Courts, betweene R. H. Citizen and Alderman of London of the one party, and R. E. of B. in the Countie of M. yeoman of the other party, of, for, and concerning the right, title, vse, interest, and possession of diuers lands, tenements, and hereditaments, with the appurtenances, lying and being in B. within the Manor or Lordship of T. within the said Countie of M. and containing by estimation about two hundred acres of land, meadow, pasture, and wood, commonly called or knowne by the name of Yebines Land, for the appeasing, finall end, and determination of all which said suites, variances, and debates, the parties aforesaid haue submitted and compromitted themselues to stand to, obey, and performe the arbitrement, ordinance, dome, and iudgement of me the said H. T. Arbitrator, indifferently elected, named, and chosen by both the said parties, indifferently to arbitrate, order, deeme, award, and iudge, as well of, for, and concerning the estate, right, title, interest, vse, and possession of all and singular the said premisses, and euery part and parcell thereof, as also of, for, and vpon all manner of actions, suites, quarrels, debts, debates, trespasses, and demaunds whatsoeuer, heretofore had, moued, stirred, or depending betweene the said parties, from the beginning of the world vntill the twentieth day of November last past, as by their seuerall writings obligatorie, wherein Sect. 50.

either of the said parties stand bounden to thother of the same parties in the summe of CC. li. bearing date the said xx. day of Mo. and made for the true performance of the said award, more at large it doth and may appeare. Wherepon the said H. T. having taken vpon him the charge and burden of the said arbitrement. And having present before him both the said parties, and having also very aduisedly and deliberately weighed and considered the titles, claimes, allegations, and proofes, of either of the said parties to the said premisses. And vpō sight and due consideration of all the euidences, writings, & proofes shewed and made before me the said H. T. by both the said parties, do award, arbitrate, order, deeme, and iudge of the premisses in maner and forme following: that is to say, First, I the said Arbitrator do award, deem, order, and iudge, that the said R. E. or his heires at all times within three yeres next ensuing the date of these presents, vpon lawfull and reasonable warning by the Steward, Baylife, or Reeue of the said manor of T. for the time being shall at the next Court so to be holden, then next after such warning had, surrender & giue vp into the handes of the said R. H. his heires or assignes in open Court, according to the custome of the said Manor, to the vse of the said R. H. and his heires for euer all and singuler the aforesaid lands, tenements, and hereditaments, hereafter in these presents mentioned, expressed, and declared: that is to wit, one mansion or dwelling house, wherein the said R. E. now dwelleth, with all edifices and buildings &c. And furthermore, I the said H. T. do award, ordaine, deeme, and iudge by these presents, that the said R. H. his heires or assignes at the said Court, where, and when the said surrender shall be so made, shall assure and conuey vnto the said R. E. or to his heires, that shall so surrender the premisses as aforesaid by copy of Court roll, according to the custome of the said Manor, or otherwise, as by the said R. E. his heires and assignes, or any of them, or by his or their learned counsell shall be reasonably deuised or aduised, and at the proper costs and charges of the said R. E. his heires and assignes, not altering by the saide assurance or assurances so to be deuised or aduised, as is aforesaid, any custome, liberty, or iurisdiction of the said Lordship, manor, or other the premisses, with all and singuler the said landes, tenements, and hereditaments, and all other the premisses, with their appurtenances whatsoeuer, before by these presents ordered and iudged to be surrendred as is aforesaid (4. acres of land now in the occupation of &c. parcell of the premisses to be chosen by the said R. H. &c. onely excepted and foreprised.) To haue and to hold the same landes, tenements, and all other the premisses with the appurtenances (except before excepted) vnto the said R. E. and to his heires males incorrupt within the fourth de-

gree

grée of consanguinitie, according to the auncient custom of the said Manor. And if it happen that the said R.C. doe decease before the said surrender made, as is aforesaid, Then to haue and to hold the said premisses with the appurtenances to the heires of the said R.C. which so shall surrender the same, and to his heires males incorrupt within the fourth degrée of consanguinitie &c.

An award reciting that either of the parties stand bound to other to performe the award. And that the award is made before the prefixed time in the Obligations, and with the full consent of both the parties.

TO all Christian people, to whom this present writing indented of award shall come, R. W. & R. C. send grœting in our Lord God euerlasting. Know ye that whereas variance, strife, debate and controuersie hath hertofore bin had, moued, and stirred betwéene A.B. of C. and D.C. of F. of, for, and concerning the right, title, interest, vse, possession and occupation of &c. for the appeasing & ending whereof, either of the said parties by their mutuall assents, consents and agrœments, haue submitted, compromitted, and bound themselues either to other by their seuerall writings obligatorie, bearing date &c. in the sum of &c. to stand to, abide, obay, obserue, performe, fulfill and kéepe the award, arbitrement, ordinance, dome and iudgement of vs &c. Arbitrators indifferently elect and chosen, betwéen the said parties, of, and for the premisses, as by the said seuerall obligations with condition for the performance thereof more at large appéareth. Whereupon we the said Arbitrators taking vpon vs the labour, busines & charge of the same award and willing to set the said parties at a finall peace, vnitie and concord, for and concerning the premisses, haue by good aduise and deliberation, séene, heard, and throughly examined both their titles, allegations, euidences and proofes, in and to the said premisses, and thereupon before the day and time appointed vnto vs by the said Obligations, for the making, giuing vp, and finishing of the said award, we the said Arbitrators by and with the full assent, consent and agrœment of both the said parties, doe make, publish, declare and giue vp this our present award betwéene the said parties, of, for and concerning the premisses, in maner and forme following. First we award, ordaine, dœme and iudge that &c. Also we award &c. And finally we award, ordaine, dœme and iudge &c. In witnesse whereof, we the said Arbitrators, and also both the said parties to the award, haue interchangeably put our hands and seales, the tenth day of M. in the thentieth yeare of the raigne of our Soueraigne Lady Elizabeth, by the grace of GOD of England, France, and Ireland, Quéene, Defendor of the Faith, &c.

Sect. 51.

SYM-

SYMBOLEOGRAPHY.

Of the Chancerie, Proceedings in the *Same, and Supplications*, Billes and Anſwers.

The Chancerie.

Sect. 1.

SEeing, by Gods fauor, we intend ſomewhat to diſcourſe of the maner proceeding in Chancerie Suits, and to ſet downe ſome preſidents thereof, to the performing whereof, it ſeemeth requiſite firſt to vnfold the nature of Equitie, conſcience and the rigour of the common Lawes of this Realme, as the proper obiect or matter whereabout ſuch Suits are for the moſt part occupied, to the intent it may with the more facilitie be vnderſtood, how, and when ſuch Suits are fitly to be taken in hand. Therefore we will firſt ſpeake of Summum ius, (which oftentimes preciſely regardeth the verie letter and words of the common Lawes:) For remedie whereof, parties greeued, pray ayde of this honorable Court of Chancerie, to bridle extremitie, and reduce ſuch rigour to Equitie and Conſcience.

Of ſtrict or preciſe Law, which is called Ius ſummum.

Sect. 2.

ARiſtotle calleth it exact or preciſe Law, becauſe that, if it haue no allay in it to qualifie the harſhneſſe and ſeueritie of it, it is vnpleaſant and ſowre in taſt, and repugnant to Equitie.

And Budæus ſaith, that this word (ſtrict and preciſe Law) is a word which, amongſt the Ciuilians, ſignifieth verie hard Law, exact and full of rigor, and almoſt vniuſt: for they that write of the Law, make these words, ſtrict Law, and Equitie, oppoſit the one to the other: thus farre Budæus. The Lawyers do alſo terme it, Ius ſubtile, ſubtill Law. Other Lawyers doe terme it, Summum ius, law in the higheſt degree, or moſt exact, and it is ſo taken of them, when men ſtand more vpon the letter of the law, then vpon the meaning of the writer, or maker of the law. In which behalfe, it ſo falleth out oft times, that vnder a colour of know-

knowledge of the Lawes, many groſſe and dangerous errors be committed, Coraſius Miſcel. lib. 2. cap. 8. Nu. 12.

Oldendorpius diuideth this Ius ſummum, or Lawe in the higheſt degree, into two branches: the one proper, the other improper.

Lawe in the higheſt degree, ſo properly termed or taken, is an vndoubted and infallible rule of honeſtie, which may generally without exception be put in execution in any common weale, whether it be originally grounded vpon the law of Nature, or vpon the lawe of Nations: For examples whereof you may take all the rules and principles of the law, for theſe rules and principles of the law, doe in their kinde, moſt ſtrictly and exactly define and bound out the matter which they handle, barely, and nakedly, without any regard of circumſtances of the fact y may fall out, of which ſort of rules are theſe. Kéep thy word, hurt no man: theſe are generall rules of Law in the higheſt degree, ſo righteous and full of iuſtice in their kind, that by the lawe of Nature it ſelfe, better and more rightful cannot be giuen, Lib. 1. F. de pactis.

But here you ſée no reſpect had to any circumſtance, of your word, or hurting, for this point belongeth to Equity, or the Court of Conſcience, which with vs is called the Chauncery, as the caſe may fall out: and the law in the higheſt degree, being thus properly take, is wrongfully termed by the common ſort of men, wrong in the higheſt degree: for to ſpeake generally, and at a word, it is the iuſteſt reaſon that may be, whether naturall, or rationall, ſo farre is it from being to be rightfully taken wrong, vntill it be ſtretched, and as it were ſet vpon tenture hookes, to be drawne to ſome inconuenient circumſtaunce of the fact: as when a man doth couenant or giue his word to doo ſome diſhoneſt fact, or hurtfull and dangerous to the Common wealth. In which caſe, if a man ſhould wreſt this rule of Law, Kéep thy word, in ſtead of doing right in the higheſt degree, hee ſhould commit iniuſtice in the higheſt degree: not becauſe the law hath any fault in it ſelfe, but becauſe through his error, and cauelling with the Law, he worketh wickednes, not iudging aright the circumſtances of the fact, wherin law and right ſtandeth, Li. Si. F. de pactis.

Law in the higheſt degree improperly taken, is ſo termed, when by an ouer rigorous and hard interpretation, it is drawn to inconuenient kinds of facts, or by colourable agréements is drawne to fruſtrate the good meaning of the Law, L. Inciuile cum L. ſeq. F. de legibus. Many examples hereof we haue in the law: as it is a law, that no man ſhall be forced againſt his will to cõmence or maintaine any ſuit or action: Now put the caſe that I. S. is wrongfully impleaded by I. N. who hath framed a cunning action full of glorious ſhewe againſt him the ſaid I. S. But I. N. finding in concluſion that he is not able to proue

and

and make good his action, becommeth non suit, I. S. prayeth remedy of the Iudges against this wrongfull veration of I. N. and hee the said I. N. in defence of this wrongfull veration, vrgeth this rule of Law, that no man is compellable to maintaine an action: shal he be heard in this case? No saith Iustinian, this false glose of I. N. is not to be suffered or borne withall. This terme or word of Lawe in the highest degree being thus taken, we may wel say, that law in the highest degree is wrong in the highest degree. For the more subtilly that a man doth argue, and the more authorities he heapeth together, to inforce such a law, so much the more and greater wrong and iniustice shall be done.

Of Equitie.

Sect. 3. EQuitie is that which is commonly called equal and good and sometimes equall and iust, and sometime equall, iust, Lib. 1. & Pen. F. de Iusticia & iure, I. Si & ius F. certum petatur, Arist. termeth it Epieices, and other terme it Epieicean, which is as much to say, a mitigation, or moderation of the law written, in some circumstance, either of the things themselues, of the persons, or of the times. Law (saith Donatus) is that, that maketh all things streight, and not pliable to the one, nor other. Equitie is that, that dispenseth with many points of the law. Oldendorpius saith, that Equity is nothing else, but a sound or vpright will or iudgement of an honest man, nothing crafty or subtils, so measuring out to euery man that, that is his, that in the meane while no man is wronged, as appeareth most elegantly in I. bona fides. I. Incurrit F. depos.

Equity as some other say, is a reasonable measure, containing in it selfe a fit proportion and rigor, so that it differeth from Lawe in this, that law is a determinate sentence set downe according to the rules of the law: But equity is a certaine proportion and allay, vpon good occasions setting on side the common rules of the lawe, and so they call it a ruled kinde of Iustice, allayed with the sweetnes of mercy.

Equity is diuersly termed in the Law, sometime it is very significantly called a Conueniency, because it ministreth amongst men, a fit proportion, answerable to the persons, the matters, the places, and the times. Sometimes, plaine dealing is called Equity, which is opposite to the dealing of man by nice poynts of the Law. Sometime it is taken for naturall Iustice, or the Law of Nature. Sometime it is taken for Law that is opposite to forged and deuised law. Sometime it is taken for Religion &c. And to be short, Equity is the correction or amendment of a good Law, which is defective in some part, by reason of the generalitie of it.

Of

Of the diuision of Equitie.

EQuitie is two fold, written and not written, for Equitie may be vsed both in schole, and places of Iudgement two waies: the one, by taking good heede, how, and in what sort, Princes and Lawyers haue obserued Equitie, in making and setting downe of Lawes, appointed to be rules and squars of mens actions: so that if at any time any case falleth out, which is in all points answerable to the Law, void of any different circumstances, which might require some chang or alteration of the Law, they may accordingly frame their iudgements, being sure and out of doubt, that the law of Equity is already chalked out of them. Sect. 4.

An other way Equitie is to be practised in these particular facts, which daily fall out, and haue no certain line & square set out for them in the Lawes alreadie made, so that we must be forced to deliuer our iudgements in them, according to certaine circumstances, applyed as nerely as we can, to the principals of our Law. And herein standeth the greatest vse of Equity, most fit for Common weales: and therfore we may well call it an vnwritten Equity, not because we are at our liberties to define and determine of it, without due regard had to the Law written, but because it taketh some libertie not to bind it selfe to the generall Rules of the Law.

Of the efficient cause of Equitie.

GOD is the efficient cause of Equity, who hath so disposed of the nature of mankind, that we are not in any wise, able to set down a certaine rule for future thinges, and yet hath bestowed vpon vs so much knowledge, as whereby we may frame certain generall rules of honest life, which may serue for directions in all particular actions and facts, daily and hourely falling out amongst men, if they be duely and carefully examined by the rule of Equity, which hath her eye cast vpon all ordinarie circumstances. Sect. 5.

Of the materiall cause of Equitie.

THe Law of Nature, the Law of Nations, and good maners, are the materiall cause of Equitie, for a well minded man, and of sound iudgement will make of these three an wholesome and verie medicinable mixture for any State and Common wealth. But the matter whereabout this Equitie must occupie and busie her selfe, are the affaires of men, infinit as they fall out. For right or Law will be rightly ministred, if as matters fall out, the circumstances thereof duely considered, the ministers of the Law doe frame their Iudgements accordingly. Sect. 6.

Of

Of the formall cause of Equitie.

Sect. 7. THe formall cause of Equitie is the matching and dwelling of facts falling out, and the circumstances thereof, with the rules of the Law, as buildings are framed to Carpenters lines and squares.

Of the finall cause of Equitie.

Sect. 8. THe finall cause of Equitie, or effect is, to keepe an equalitie amongest the state of men, who are at much ods and iarres amongest themselues, to the end the Common wealth may be preserued in safetie, which standeth for the most part in righteous iudgements.

Why Equitie is sometimes compared to a rule.

Sect. 9. NOt vnfitly is Equitie termed the rule of maners: for as by a rule the faults of a building are discouered, so doth Equity iudge a right, both of the written law, and also of all mens actions & behauiors: and therefore such as are ministers of Iustice, apply and frame their iudgements, after the square & rule of good and egall, that is to say, of Gods Law, and the Lawes of Nature. Against which Lawes, what iudgements soeuer be giuen, can not be but vniust and vnrighteous.

How Equitie and Clemencie differ.

Sect. 10. THere is a difference betweene Equitie and Clemencie: for Equity is alwaies most firmely knit to the will of the Law, which way soeuer it bends, whether to Clemencie or to seueritie. But Clemencie is only proper to the Prince, or those Magistrats, that haue like power of administration of Iustice, as Princes haue.

Of the difference betweene Equitie and strict Law.

Sect. 11. STrict Law and Equitie differ herin, that strict Law doth set downe in a generall sort what it enacteth, and is seuere, & not to be moued, one way or other: it taketh order for things, once for all: the grounds & principles which it bringeth forth are vniuersall & full of seuerity and sharpenesse, from which rules it will not start aside, no not the breadth of an haire. But Equitie is fitly compared to a Shoomakers shop that is well furnished with all sorts & maner of lasts for mens feete, where each man may be sure to finde one last or other that shall fit him, be he great or small. It is not also vnfitly compared to an Apothecaries shop, stored with all kind of drugs, fit for all the maladies & diseases of men. Which drugs notwithstanding, in case they should be vnskilfully compounded together, would in stead of healing, work present death to the patient that should receiue them: for it requireth the industrie and exquisit

quisite art of a good Physition, to make a right composition, discerning and tempering by iust proportions good venims from euil. In like sort in affaires both publike and priuate, equity doth particularly & carefully examine the causes, the times, the circumstances, the sorts and differences of persons, and matters, and by former iudgement giuen in like cases, gathereth and frameth an absolute and perfect deciding and determining the matter presently in question and sute.

And S. German to the like effect saith, Equitie is a righteousnesse tempered with mercy, which considereth all the particuler circumstances of the deed, Doct. & Stud. lib. 1. c. 16.

This Equity saith hee, must alwaies be obserued in euery lawe of man, and in euery maxime or generall rule thereof, for that mens acts are so diuerse & infinite, that it is impossible to make any generall law which may aptly meet with euery particular act, and not faile in some speciall case. Therefore Law-makers do foresee things which may oft happen: insomach as strictly to obserue the word and tenor of the law, were in some cases but against iustice and the commonwealth. Wherfore in such cases we must stick fast to that which reason and iustice require, which is, that equity may mitigate rigorem iuris, which equity is no other thing, then an exception of the law of God, or of the law of reason, from the generall principles of mans positiue law, not agreeing with them in some particularity, which exception is inwardly implied in euery generall ground or maxime of the law. And yet taketh not away the very right, but substituteth right in stead of that which by thonly letter of the Law seemeth to be right, & is not. Neither may we therefore accuse the Law of cruelty, which (as is said) generally taken, is good of it self, & not cruel, though it reach not fully to euery particular circũstance of mens actions. And therefore if a law were made, that no man vnder the paine of death, should open the gates of a citie before the Sun rising, yet he who for sauing the citizens flying from their enemies to the same gates, openeth them before that time, offendeth not the intent and equity of that Law, Do. St. lib. 1. cap. 6. Or if a Statute were made, that whosoeuer doth such an act should be put to death: yet if one of non sanæ memoriæ, or any infant of tender yeares, which wanteth discretion do such an act, they shall not therefore suffer death. Or if a statute were made, that whosoeuer receiueth or aideth with meat, drink, or otherwise I. S. an offendor knowing his offence, shal be accessary thereunto as a felon, yet if his wife knowing his offece receiue and aide him, she shall not therby be a felon: For in the generality of such Statutes, madmen, infants, and his owne wife are not intended to be included, but excepted by implication. By all which we may gather, that the outward words of the late only are not the law,

but

but the inward ſence and meaning thereof: For our Lawes (as all other lawes) haue two parts, that is to ſay, the fleſh & ſoule, The letter reſembleth the fleſh, the intent & reaſon, the ſoule: Nam ratio legis eſt anima legis, The Law may be compared to a Nut, whereof the letter reſembleth the ſhell, the ſence the kernell, and as the profit of the Nut is not in the ſhell, but in the kernell, ſo the fruite of the Law is not in the letter, but in the ſence: and as hee which reſteth vpon the ſhell leeſeth the fruit of the nut, ſo he which ſtaieth vpon the letter wanteth the profit of the law, for the letter is ſometimes larger, and ſometimes narrower then the intent which Equity regardeth, Plow. 9. b. 465. a.

And Bracton of Equity writeth thus: Equitas eſt rerum conuenientia quæ in paribus cauſis paria conſiderat iura, & omnia bene coęquiparat. Et dicitur æquitas quaſi æqualitas, & vertitur in rebus, id eſt, in dictis & factis hominum. Lib. 1. c. 4. Sect. 35.

How the Chauncery is termed the Court of Conſcience.

Sect. 12. AND forſomuch as this Court bridleth the rigour of the common Law, by giuing actions and exceptions for remedies where by law none were, according to equitie and conſcience, to maintaine æquum et bonum, the common people terme the Chancery the Court of Conſcience: yet herein conſcience is ſo regarded, that Lawes be not neglected, for they muſt ioyne hands in the moderation of extremitie, Diuerſ. Cuſ 105. Nam ipſę etiam leges cupiunt vt iure regantur, id eſt, vt leui, facili, ac benigna interpretatione temperentur, vereq; dicitur, Nullus recedat à Cancellaria ſine remedio, 4. H. 7. 4.

Of Conſcience.

Sect. 13. THis Conſcience is defined, Reliqua in hom̃ rationis ſcintilla, bonorum, malorumq; factorum, index & iudex: igitur & bipertita ea approbatio, ſcz. & opprobatio, illa in bene, hæc in ſecus factis. Iuſtus Lipſius lib. ciuilis doctriñ cap. 5. for thus.

Conſcientia eſt tacitum animi infallibileque facti noſtri iudicium, à communi iuſticiæ formula, quam Deus inſculpſit omnibus hominibus, productum, per q̃ aut accuſatur res mala aut defendit bona, Oldendorpius, Coraſius in Miſcel. lib. 4. c. 20.

Conſcience is an actuall applying of knowledge to ſome particuler act of man, as S. Germaine ſaith, Doct. & Stu. cap. 15. And Synderesis, which is termed a naturall power of the ſoule, perſwading good and diſſwading euill, D. S. lib. 1. c. 13. 4 is nothing elſe but attenta obſeruationis occaſio cum omnibus circumſtantijs eius, *Thucid. lib.* 7. and miniſtreth the generall principles of that knowledge. Vere igitur dicitur, Cõſcienc' verã niſi adhibeat, Iudex nõ poteſt cauſam ſecũd̃ ęquitatem,

tatem definire, ſi mille teſtes totidēq; videat ob occulos inſtrũta: Conſcientia enim (cum mille teſtium vim obtineat) certa eſt' non fallitur. At in probationib' ſępe vel error, vel dol' verſat, ſicut experientia heu nimis frequens nos docet. *Oldend.*

Of Iudgements in Chancerie.

SO great is the power, iuriſdiction and maieſtie of this court, that Iudgements therein giuen are not to be controuled or reuerſed in any other court, than the high court of Parliament, which is the chiefeſt of all other Courts in this Realme, Diuer. Cur 105. 37. H. 6. 14. Sect. 14.

Of the power ordinary of the Chancery.

AND this Court is armed with twofold power that is to ſay, with power ordinary and abſolute, 9. Ed. 4. 15. Sect. 15.

By ordinarie power the Lord Chancelor proceedeth as at the common Law, as in proceeding vpon Recognizances there knowledged, and trauerſes of offices, in which parties are to plead and ioyne iſſue as at Common law. And ſo in ſuit againſt or for, Clerke of the Chancerie, and other perſons priuileged by Attachment there for matter of action remediable by the common Law &c. But when they be at iſſue, the Record muſt be tranſmitted into the King Bench, to be tried by Iury. And when it is ſo tried, it muſt be remaunded into the Chancerie, that iudgement may be there giuen, and execution had vpon the ſame, 24. E. 45. 14 E. 4. 7. 8. E. 4. 6.

Of the power abſolute of the Chancery.

THe abſolute power is not tied to the rules of the common Lawe, but by that matters may be examined omnib' vijs & modis quib' rei veritas melius ſciri poterit, and iudged ſecdm allegata et probata, and not by Iurie of 12. men, as at the common Law, But by examination of witneſſes, as in the courts of the ciuil law, Smith de repub. Angl' li. 2, ca. 12. Diuerſ. Cur 106. 9. E. 4. 15. Neither is ſuch preciſe forme of pleading vſed in the Chancery, as at the common law, nor any aduantage to be taken for miſpleading, or want of forme, ſo as the ſubſtance of the matter be ſufficiently diſcloſed in conſcience, Diuer. Cur 106. 9. E 4. 15. 24. E. 3. 45. 14. E. 4. 7. Sect. 16.

Diuers other ſpeciall authorities and priuiledges hath the Lord Chancellor by ſundry Statutes, as thereby appeareth. And partition made in the Chancerie rendring rent is good, and may well be ſent into the Kings Bench, and execution thereupon made by Scire facias, 37. H. 6. 43. li. Aſſ. 32. And if lands be recouered from a woman whereof ſhe was endowed in the Chancerie, ſhe may haue a Scire facias there to be newly endowed, 29. Aſſ. 23.

Of a Subpœna.

Sect. 17. AND ſeeing the ordinary means to call and bring in the parties to anſwer in this Court, is either by the Serieant of the mace, as before, or by Subpœna, which only is the originall proces of this Court, and muſt be directed to the parties, Doct. St. li. 1. c. 17. Smith de repub. Angl' li. 2, ca. 12.

Cauſes remediable in the Chancery.

Sect. 18. HAuing thus peruſed equitie and Summum ius, with their differences, and alſo what Conſcience is, whereupon ſuits in this court doe chiefly lie: It ſeemeth good now ſpecially to conſider ſuch ſpeciall caſes as be remediable in Chancerie, and for which a writ of Subpœna lieth there, as in caſes following.

A Subpœna lieth in no caſe but where the common law faileth, ſo as the partie who in equitie hath wrong, can haue no ordinarie remedie by the courſe and rules of the common Law, 39. H. 6. 26. 7. H. 7. 11. as in theſe caſes following, and ſuch like.

As if the K. by his letters patents giue vnto A. goods forfeited to his highnes by treaſon, A. may ſue for the ſame in Chancerie, 39. H. 6. 26.

And it ſeemeth if one Coexecutor alone releaſe debt due to the teſtator, his companion may thereof haue remedy in Chancerie againſt his Coexecutor onely, if no couin be in the debtor: but if there be, then againſt them both, 4. H. 7. 4. Diuer. Cuſ 106.

And by Moyle, if a Quare impedit by two Coperceners, the one make a falſe plea of couin betweene him and the defendant, then his companion by ſuit in the Court, may inforce him to ioyne with him in a true count, 6. E. 4. 10.

If lands in ancient demeſne extended by ſtatute Marchant, be recouered by common recouerie, the cognizée hath no remedie but in conſcience, 7. H. 7. 11.

If feoffees in truſt, commanded by ceſtuy que vſe to enfeoffe his vendée, refuſe to doe it, a Subpœna lieth for the vendée againſt them, 37. H. 6. 36.

If ceſtuy que vſe deuiſe by his will, that his feoffées make an eſtate to I. S. for life, the remainder to Y. in fée, and I. refuſe to take his eſtate, Y. after the death of I. may by Subpœna compell the feoffées to make eſtate to him accordingly, per Ienny & Fiuch, 37. H. 6. 36.

Tenãt in borough Engliſh enfeoffeth A. to the vſe of the feoffor and his heires, and die, his yongeſt ſonne ſhall haue a Subpœna and not the eldeſt, for the vſe is of the of nature of the land, 5. E 4. 7.

If a man make a feoffement in truſt of lands deſcended to him ex parte matris, and die without iſſue, his heire ex parte matris may haue a Subpœna, 5. Ed. 4. 7.

If

If a man make a feoffement to perform his will, & after to infeoffe his heires, and declare his will for yeares, and die, hauing issue a sonne and a daughter by one venter, and a daughter by another venter, the sonne dieth without issue before the will be performed, his sister of the whole blood is to haue execution of the estate by the feoffees, for possessio fratris de feodo (of an vse) facit sororem esse hæredem, and the will for yeares is no impediment of the possession: but otherwise if it had bene of frank tenement by the Reporter, 5. Ed. 4. 7.

If A. seised in fee to the vse of a woman, who taketh an husband, and he selleth the land to B. for money, which the wife receiueth, and A. at their request infeoffe the vendee, the husband dieth, the wife may haue a Subpœna against the vendee, hauing notice hereof, or else against the feoffee for recompence: for this is the sale of the husband only, 7. E. 4. 14.

If P. know that W. is infeoffed to mine vse, or of my will, or hath goods giuen to him to mine vse, and buy the lands or goods for money, a Subpœna lieth against the vendor and vendee to performe the will or vse, 5. Ed. 4. 7. 11. Ed. 4. 8. Diuers. Cur. 106. But against the vendor only if the vendee haue no such notice, Diuers. Cur 106.

A man by Subpœna may enforce his feoffee of trust to bring actions in their names, 7. E. 4. 29. as trespasse against trespassors, 11. E. 4. 8. yet if the feoffee had released to the trespassor, Cestuy que vse had bin remediless, 11. Ed. 4. 8. or Assise, 2. Ed. 4. 2. or trespasse for goods giuen to his vse taken away, 7. E. 4. 29. But not an appeale of robbery, because they be not compellable to ioine battaile, 7. E. 4. 29.

If a feoffement be made to the chiefe Lord, or others, to vses, he may refuse to execute the estate for extinguishing of his Seignorie, and no Subpœna lieth against him, 16. E. 4. 4.

The heire of the feoffee in trust being in by discent, is compellable by Subpœna to execute an estate according to the trust, 22. Ed. 4. 6.

If a wife will that her feoffees shall infeoffe her husband, he may not compell them thereunto, for the will of a wife in this case is voide, 18. Ed. 4. 11.

If A. be bound to F. to the vse of C. C. in Chancery may compell F. to sue A. for the same, 2. Ed. 4. 2.

If R. deliuer money to A. to deliuer to his executors or administrators to dispose &c. and A. deliuer the same vpon bond to B. to keepe and redeliuer to him, R. dieth, his executors or administrators may in Chancerie compell A. to sue the obligors for the money, 4 Ed. 4. 37.

If P. be bound in a statute staple to J. & H. to the vse of J. and P. releas to P. no Subp. lieth against P. notwithstanding that he had notice of those, for euery man may lawfully aide himselfe, 11. E. 4. 8. Diuers.

Cuſt 106. The like of an Obligation to two, to the vſe of one, the remedie is againſt him that did ſo releaſe, Diuerſ. Cuſt 106. 11. E. 4. 8.

If A. be bound to B. to the vſe of C. and B. releaſe, C. may haue remedie therefore in Chauncerie, 7. H. 7. 11.

If a man pay debt due by ſpecialtie without an acquitance, or haue an acquitance, and loſe it, he ſhall haue remedy in Chauncerie, 22. E. 4 6. 7. H. 7. 11. But it ſeemeth to be otherwiſe, if the debt be by matter of record, for elſe might all records be auoided by witneſſes which would deſtroy the common law, 22. Ed. 4. 6. Diuerſ. Cur. 106. Doct. and Stud. lib. 1. cap. 12.

A Subpœna lieth on a promiſe or agrément by word: as to build a houſe, or to doe any other lawfull act, 8. Ed. 4. 4. Diuerſ. Cuſt 105.

An action lieth againſt Executors in Chancerie vpon a ſimple contract without ſpecialtie, 7. H. 7. 11.

If there be two obligors, and the obligée giue longer day of paiment to thone of them, and ſue thother, he may haue a Subpœna, 6. E. 4. 41.

If goods be giuen to defraud creditors, they may haue remedie in Chauncerie againſt the donées, or ſuch as haue the poſſeſſion of the goods, 16. Ed. 4. 9.

If a man be ſuertie for anothers debt, and the debtor and others be bound to ſaue the ſuertie harmeleſſe, and the ſuertie haue alſo goods deliuered by the debtor to ſaue him harmeleſſe: notwithſtanding the ſuertie pay the debt, yet if he ſue his obligation, the debtor may haue a Subpœna for reſtitution of his goods ſo pawned for the ſame, leſt hee ſhould be twice charged therefore, 16. E. 4. 9.

If a man buy a debt due by obligation, & be bound to pay a ſumme of money to the vendor for it: yet forſomuch as the thing ſold is thoſe in action in the vendée he can haue no propertie, and therefore hath not quid pro quo, the vendée may be relæued in Equitie for his owne Obligation, 37. H. 6. 13.

And for euidence, whereof the plaintife knoweth neither the certain contents nor contentment, he may haue remedie in Chauncery, Diuerſ. Cur 105.

Learne whether if a tranſitorie perſonall action be ſued in a forreine Countie, the defendant may ſtay the plaintife in Chancerie by Iniunction, Diuerſ. Cuſt 106.

So neceſſarie be the remedies in the Chancery vpon equities allowed by Law, that it ſeemeth to ſome not inconuenient to haue aſſigned ſuch remedies for the 7. ground of the lawes of this Realme, which are ſaid to conſiſt of 6. grounds only: firſt, the law of reaſon, 2. The Law of God: 3. Generall Cuſtomes of the Realme: 4. Principles or Maxims of Law: 5. Particular cuſtomes vſed only in certaine places

of

of this Realme, & Acts of Parliament, Doct. and Stud. lib. 1. cap. 3, 4, 5, 6, 7, 8, 9, no. 13, and 19.

If a man bound in a single obligation or bill of debt, pay the money according to the bond, neither taking an acquittance thereof, nor cancelling the specialtie of the same, he is by the common law chargeable to pay the same debt again, by vertue of the said specialtie: But may haue remedy therof in the Chancerie. Doct. and Stu. li. 1. ca. 6. 1. H. 7. fol. 14.

¶ A view of certaine cases wherein the parties grieued seemeth wronged in conscience, and yet is remedielle in Chancerie. Sect. 19.

IF an vnjust Iudge of Law by an action of debt vpon a simple contract, Doct. and Stud. li. 1. cap. 18.

Of false verdict by a graund Jurie in Attaint, Doct. and Stud. li. 1. ca. 18.

For damages where a man hath right or title to land in the possession of another, and may by action recouer onely the land, but no damages for the meane occupation there is no remedy for the same damages in Chancerie: As if the tenant in taile be disseised, and the disseisor die seised, and his heire is in by discent, against whom the issue in taile bringeth a Formedon, he may recouer the land, but no damages, Doct. and Stud. li. 1. cap. 19.

A man may not deny that which he hath once affirmed of record in a Court of Record, nor affirme that which he hath once denied of record in a Court of Record, nor that whereof he wilfully stopped or secluded himselfe by deed indented, or otherwise: And if a daughter which is sole heire to her father sue liuery with her bastard sister, she is remedielle by law, Doct. and Stu. li. 1. ca. 19.

If a thing be found by verdict against truth before iudgement, Do. and Stu. li. 1. ca. 19.

Where the cause of the Lawe ceaseth, the law also ceaseth in conscience: As lesse for yeares recouereth by iudgement treble damnages for a trespas of waste done by an estranger, And he in the reuersion dieth before his action of waste be ended, yet in conscience he ought to sue execution for his single damnages, for he had no more hurt thereby, Do. and Stu. li. 1. ca. 19.

A Law grounded vpon a false presumption, is not to be holden in conscience, Do. and Stu. li. 1. ca. 19.

Conscience may not preuaile against a lawfull Custome, either generall or particular: As in discents of lands to the eldest sonne by the common Law, to the yongest by Borough English, and to all by Gauelkind, Do. and Stu. li. 1. ca. 19.

So if a man without consideration make a deed of feoffement of 2. acres of Land, lying each in a seuerall shire, and make liuery of seisin in the one acre onely in the name of both, that wherein liuery of seisin was made, onely passeth in Law and conscience, Doct. Stu. li. 1. ca. 20.

If one ioyntenant of a wood sell the wood, and keepe all the money receiued for it wholly to himselfe, his fellow may haue remedie in Chancerie lib. 1. ca. 19. And so it seemeth, if they were ioyntenants in common, or coparceners of other thing.

If a common person of his meere motion without other consideration make a feoffement of a manor, without these words (with the appurtenances) he hath right onely to the demeanes and commons, and rents of the attornement: but neither to Aduowsons appendant, nor villein regardant. But in the Kings case notwithstanding the words (with the appurtenances) were in the grant: yet neither Aduowsons, nor Villeins doe passe, either by law or conscience, vnlesse they be especially named, Doct. Stu. li. 1. ca. 19. 6. Ed. 3. 286. Regul. fo. 228. Fondamenta legum, fo. 70. 43. E. 3. 22.

If a lease for yeares be reserving rent, with a clause of reentry, the rent is behinde, the lessor dieth before demand, the heire can neither enter by law nor conscience: Otherwise if he made a lawfull demand thereof, Doct. Stu. lib. 1. ca. 20.

If tenant in Dower sowe the land and die before the corne be reaped, her executors shall haue the corne: but not the grasse, nor other fruits, Do. St. li. 1. c. 21.

If tenant for life, or tenant in taile after possibilitie of issue, alien in fee, he in the reuersion or remainder may enter, and haue the land by the forfeiture in law and conscience, Do. Stu. li. 1. ca. 20. 45. E. 3. 3.

Euery Law ordained for the disposition of lands or goods, contrarie neither to the Lawe of God, nor to the lawe of Reason, bindeth in the Court of Conscience, Doct. and St. li. 1. ca. 20.

Whether one of the age of 20 yeares, who hauing reason and wisdome to gouerne himselfe, selleth his lands for money, and therewith buy other lands of better value, and taketh the profits thereof, may haue his first land againe in conscience, as he may in law, repaying the money which he receiued? It seemeth he may, because the contract is insufficient by reason of the infancie, Do. Stu. li. 1. ca. 21.

If a man sell his land by a sufficient and lawfull contract, though he want liuerie or attornement, or such other solemnities of the law, yet the sellor is compellable in the Chancery to performe the contract, Do. Stu. li. 1. ca. 22.

If the tenant for life impanelled on an Inquest lose issues, and die, they are leuiable by law on him in the reuersion: & so be the husbands

issues after his death vpon the wiues land, and as it seemeth in consci-
ents for the necessitie of the execution of Iustice, Doct. Stu. li. 2. ca. 21.

No man is bound in conscience to pay the penaltie of a penall sta-
tute, nor other penaltie, vntill it be lawfully recouered against him,
Doct. and Stud. li. 1. ca. 23.

If A. infeoffe B. in fee of land vpon condition, that if he infeoffe any
other, that A. and his heires may enter: this condition seemeth void in
law and conscience, because it is contrarie to the Parimes of the law,
notwithstanding the intent of the parties, for thintent most be ordered
by law, & if it be not, it is void, as by a feoffement of lands without re-
compence to A. for euer, he hath estate for life only, for want of the word
(heires.) And a lease to A. and his heires for 20. yeres, shal go to his ex-
ecutors, because it is a chattel, & so by feoffement without recompence
to a man & his wife, and a third person, the husband and wife take only
the moity, because they are but one person in law, Do. Stu. li. 1. ca. 24.

A fine with proclamation, and no claime within fiue yeares, ex-
tinguisheth the right of all estrangers aswell as of the parties by law.

And by conscience also, as it seemeth, because thereby the right and
title is made certaine, and thereby the common wealth more quiet, and
it is not contrary to Gods law, Doct. and Stu. 25.

Common recouery with vouchers vpon writs of Entre orderly pur-
sued, and no recouery in value to be had in deed, barre the issue in taile
in law, 23. H. 8. Br. Taile 23. 14. Ed. 4. 14. & 19. 13. E. 4. 1.

And in conscience as it seemeth, for as the intailes are made by law,
West. 2. c. 1. euen so by law may they be annulled. And such lawes as
concerne right or property to things, and be not contrary to the lawes
of God, or of reason, are good in conscience; Do. and Stu. li. 1. ca. 6.

If a disseisor giue the lands to I. S. in taile, and he granteth vnto the
disseisee rent out of the same lands, in consideration whereof the disseis-
see releaseth his right, this graunt bindeth the issue in taile for euer in
law and conscience, because this release doth confirme his estate which
the disseisee might elsshame defeated; Do. Stu. li. 1. ca. 27. 44. E. 3. 22.

If the body of a debtor that hath nothing, be by iudgement impri-
soned, vntill he pay his debt, he seemeth remediesse in conscience, Do.
Stu. li. 2. ca. 29.

A recouerie with vouchers of an annuitie intailed, bindeth the issue
in taile neither in law nor conscience, because a writ of Entre doth not
lie for an Annuitie, nor any other writ then only a writ of Annuitie a-
gainst the person of the grantor or his heire, hauing assets by discent:
Or against a Corporation, if it be granted to be perceiued out of their
coffers, for that an Annuitie is no freehold in law, Do. Stu. li. 1. 30. 44.
Ed. 3. 5. 2. H. 4. 13. Fitz. Nat. brc. fol. 152.

If tenant in taile be disseised, and die, and a collateral ancestor to the heire in taile release to the disseisor with warranty and die, and the same warranted discend vpon the said heire, he is barred in law and conscience, D.S.c.31.35.H.6.63.41.E.3.47.45.Ed.3.23.19.H.6.59. 15.H.7.9.& 10.21.H.7.39.3.H.7.9.

Tenant in taile after possibilitie of issue is dispunishable for waste by law and conscience, because he had once inheritance, 45.E.3.21.39. E.3.16. and thereby power to waste without punishment, which power endureth so long as his estate, Do.Stu.li.2.ca.1.

If a man be outlawed before he haue knowledge of the suit, albeit the surmised cause of action be untrue, yet the King may haue his goods by law and conscience, by reason of his disobedience in not appearing, to the hinderance of the effect of law, for he is bound to take notice of the suit being of record at his peril. And the forfeiture groweth by a generall Statute made for the necessarie execution of Justice. But it seemeth the defendant may haue remedy in conscience against him, which caused him to be outlawed without iust cause, Do.Stu.li.2.c.3. 2.H.4. 7.7.9.H.6.20.

If an estranger do waste lands which an other holdeth for yeares life, in dower, or by courtesie, without the tenants assent, the owner of the reuersion may recouer the place wasted, and treble damages against the tenant, in law.

And in conscience, notwithstanding that the stranger be insufficient to recompence him for the same, for it is his owne act and folly to take such estate subiect to the chance, Do.Stu. li.2 ca.4.

If a reall action be brought by a very lawful heire, and yet bastardy being pleaded in him, he is untruely certified by the Ordinarie to be a bastard, and so barred, the tenant knowing this certificat to be untrue, ought not in conscience to retaine the land, yet is there no remedie for him in Law, nor in Chancerie, as it seemeth, for that the Bishops certificat is the highest triall that the law affordeth in this behalfe. And euery stranger may take aduantage of this certificat, and no more writs may be awarded for further triall of the truth thereof, for the auoiding of the inconuenience which might happen, if another Bishop should certifie such a bastard to be legitimate, Do.St. li.2.c.5.

If a feoffement in fee be made without deede, or a gift in taile, or a lease for life, the remainder ouer in fee: or if a tenant for life grant his whole estate by deed Poll, reseruing rent, in these cases the reseruation is void in law, and there is no remedy therefore but in conscience, Do. Stu.li.2.ca.9.

Learne whether Executors or Administrators hauing assets, be compellable in Chancerie to make amends for trespasse done by their

teſtatoꝛ, oꝛ to pay debt due by him upon a ſimple contract, Doct. Stu. lib. 2. ca. 10.

If the tenant in fee haue two ſonnes and die, and I. S. abate, and the elder ſonne make his executoꝛs and dieth, and the yonger recouereth againſt the abatoꝛ in Aſſiſe of Mortdaunceſter the landes and damages from the death of his father, the executoꝛs of the elder brother haue no remedy foꝛ the damages accrued in his life time, as it ſeemeth, Doct. and Stu. li. 1. ca. 13.

Tenant in dower hath no remedie in Equity againſt the aliene of her huſband foꝛ damages growing betweene his death and her demaund. Doct. and St. li. 2. ca. 13.

Tenant foꝛ life diſſeiſed dieth, his diſſeiſoꝛ dieth, his heire entreth, againſt whom the owner of the reuerſion recouereth the lands, but no damages by law oꝛ equitie, Doct. St. li. 2. c. 13.

If a man ſeiſed of lands knowing that another hath good right thereunto, leuieth a fine with Proclamation, to extinguiſh ſuch right, And maketh no claime within fiue yeares, he is remedileſſe in law and equitie, Doct. Stu. li. 2. ca. 14.

A man ſeiſed of Lands in fee hath a daughter, ſhe marrieth and hath iſſue, and her father dieth, the husband ſo ſoone as he knoweth of his fathers death, haſteth to take poſſeſſion of the land, but before he come to it, his wife dieth, he ſhall not be tenant by the Curteſie of England by law noꝛ conſcience, becauſe he had not actuall poſſeſſion thereof in the life time of his wife, Doct. Stu. li. 2. ca. 15.

If without conſideration a new rent be granted without deede, oꝛ a reuerſion without attoꝛnement, the grantee is remedileſſe, Do. Stu. li. 2. ca. 15.

A man ſeiſed in fee of lands holden by knights ſeruice, deuiſeth the whole to A. B. the deuiſe thereof is remedileſſe foꝛ a third part thereof, foꝛ that there is no maxime in law foꝛ him. Do. Stu. li. 2. ca. 15.

If the tenant make a feoffement of the land which he holdeth by priority, and taketh eſtate thereof backe againe and dieth, the Lord of whom he held by priorite is remedileſſe, Doct. Stu. li. 2. ca. 15.

If the grantee of a rent charge take a feoffement from the grantoꝛ of parcell of the lands charged to his owne vſe, the whole rent is extinct by the vnitie of poſſeſſion, becauſe ſuch rent is againſt common right: And the law deemeth it his owne folly to accept the feoffement, and neither his ignorance of the deed, noꝛ of the law can help him, Do. Stu. li. 2. ca. 16. & 17. Yet Quære in equity, becauſe the grantoꝛ himſelfe is priuie to the ſaid feoffement, Doct. Stu. li. 2. ca. 17.

A. graunteth a rent charge out of 2 acres of land vnto B. and then infeoffeth H. of the one acre in fee to his vſe, and after H. intending to extin-

extinguish the whole right, causeth the same acre to bee recouered a-gainst him, by common recouerie in a writ of Entre sur disseisin in le Post, in the name of the said grantee (not knowing thereof) and of an-other man, who by force thereof entreth and dieth, so that the grauntée is sole seised of all the same acre by surviuor, to the vse of the said H. The whole rent is hereby extinct by law through the vnity of possessi-on, though the vse be to H. and it is also extinct in conscience as to the grantor, because he is neither partie nor priuy to that by which the ex-tinguishment groweth. But Quære whether in conscience the graun-tée ought to haue the whole rent of H. who caused the said recouerie to be so had, Do. and Stu. li. 2. ca. 17.

If a villein granted for life, purchaseth lands in fée, and the grantée entreth before the villein alieneth the same, the grantée shall haue the land for euer as perquisite, by reason of the villein. And this both by law, 5. Ed. 4. 61. and by conscience, Doct. Stud. li. 2. cap. 18. Perkins sect' 94, 95, 96, and 97.

If one haue a villein for yeares, as executor, who purchaseth lands in fée, the executor by law & conscience shall haue the same lands in fée to the behoofe of his testator, & they shalbe deemed assets in his hands D. St. li. 2. c. 18. because he hath them by reason of his villein.

If a lawyer ignorantly or affectionatly giue wrong counsell to his client, who followeth it to his trouble and losse, yet is he remediless, as it séemeth, Do. St. li. 2. ca. 19. Therefore it is good to aske aduise of none but such as be learned in the lawes, and of good conscience.

If a man without consideration giue lands by Indenture to H. and his heires, vpon condition, that if he pay not vnto I. S. x. li. rent yere-ly, that then the said I. S. may enter &c. which rent is not paid, yet the said I. S. may neither enter by law nor conscience, because he is nei-ther party nor priuy to the said condition, notwithstanding the intent of the giuer, for such intent being not grounded vpon the law is void, Doct. Stu. li. 2. ca. 20. Plo. 25. B. But the feoffor as it séemeth may law-fully reenter, because the words of the Indenture imply a condition in law to that effect, Do. and Stu. li. 2. ca. 23.

If a man without consideration confirme the state of his lesse for life, the remainder to another in fée, this remainder is void in law and equitie, because a remainder cannot commence, but at the same instant that the particular estate, whereupon it dependeth began, Doct. Stu. li. 2. ca. 20. Plo. 25 B. yet the feoffor and his heires in this case may en-ter for the breach of the said condition.

If by a feoffement indented it be agreed that the feoffee shall yearely pay to A. B. & his heires a certaine rent, & that if he pay it not, that A. B. and his heire may enter &c. albeit the feoffee pay not the money, yet

may

may neither the said A. B. nor the feoffor enter, for that there is no clause of reentre in the said deede. Notwithstanding it seemeth he may haue remedy in Chancery for the said yearly paiment, Do. Stu. li. 2. ca. 21.

If A. promise to giue vnto B. a summe of money, or other thing of meere motion without any consideration, the partie is not bound to performe this promise either by law or in Chancerie, because it is nudum pactum, Do. Stu. li. 2. ca. 24.

If A. promise to giue B. x. s. in consideration of a trespasse by him done vnto B. yet A. is not therby bound in law nor conscience, because this is an accord, for which none action lieth. And notwithstanding this accord, B. may haue his action for the said trespas, because the accord is executorie, Doct. Stu. li. 2. ca. 24.

If a man haue one sonne before marriage, and another after, and bequeatheth all his goods to his sonne and his heire, it seemeth both in Law and conscience, that the sonne borne after marriage shal haue the goods, for he is heire by the common lawes of the Realme, of which the spirituall iudges are bound to take notice, and to giue sentence accordingly of temporall things, Notwithstanding that by the common lawes the other sonne is legitimate and the testators heire, for the auoiding of the inconuenience which might happen by the contrarie iudgements in seuerall Courts. In like maner temporal Iudges seeme bound in conscience to take notice of the common Law, when they are to iudge spirituall things, and to order the iudgements according to the same, Do. Stu. li. 2. ca. 25.

Ioyntenants and tenants in common of an Aduowson, must within fiue moneths after auoidance agree and ioine in presentment of their Clerke. And the eldest sister of the Coparceners must present first, and then the second, by turne, or by such composition as they make thereof, except the yongest coparcener be the Kings ward, in which case the presentment belongeth to the King. And if they keepe not this course of presentment within the fiue moneths, they lose their presentment for that time. And the Ordinarie may present by Laps both in law and conscience, Doct. Stu. li. 2. ca. 33.

And if the auoidance be by death, cession, or creation, the fiue moneths commence at the death, creation, or cession, and the patron is bound to take notice thereof. And if by resignation or depriuation, then from notice thereof giuen by the Ordinarie to the Patron. If by vnion, from the agreement how they shall present Doct. Stu. li. 2. c. 31.

The wife surviuing her husband which take a lease for yeares, or life in both their names, may lawfully and with good conscience waiue and relinquish it: So may an executor refuse a terme made to his testator, if he haue not assets, Doct. Stu. li. 2. ca. 33.

If

If A. infeoffe an Abbot by deede indented vpon condition, and the Abbot only performeth not the condition, the heire both in law and conscience may reenter and haue his land againe as in his former right, Do. Stu. li. 2. 34.

Warrantie Collaterall.

A Man seised of lands in fee hath issue two sonnes, the elder brother goeth beyond the sea, and remaineth there vntill he be commonly reported that he is dead, the father dieth, the yonger brother entreth into his lands as his heire, and alieneth with warrantie, and dieth without issue of his bodie, leauing no land to discend to his next heire, and afterwards the elder brother returneth, and claimeth the lands in his owne right, yet is he barred by law and conscience, for that it is the act of his ancestor, whose heire he is, by whom as he might haue had aduantage to haue had his lands by discent from him as his heire, if he he had had any, so it seemeth reasonable, that for the priuity of blod he sustaine disaduantage by him, because both the seller and the buier were ignorant of the elder brothers life and right, by reason of his owne absence, Do. Stu. li. 2. ca. 49. Lit. sect 704. 705. 707. But if such heire were vouched by force of such warrantie, he may enter into the warranty, as one that hath nothing by discent from that ancestor, and so auoid the warranty.

Debt against an as heire.

If the father bind him and his heires for the paiment of a debt, and die, leauing assets by discent to his son and heire, he is bound to pay the debt by law and conscience, because he hath such benefit by him, Do. St. li. 2. ca. 49. 26. H. 8. fol. 1. 40. E. 3. f. 38. 12. E. 3. f. 9. 13. E. 3.

It is agreeable both with law and conscience, that a man outlawed either in felony or in actions personals, shal forfeit and lose al his goods, because it is so ordeined for the necessitie of the administratiō of iustice Do. Stu. li. 2. ca. 49. 43. E. 3. f. 18. 21. Ass. 12. 39. H. 6. f. 26. 21. H. 7. fol. 7. 49. E. 3. f. 5. 16. E. 4. f. 6.

The like is of forfeiture of goods attached by default of apparance, as well in Court Baron, as in Courts of Record, 18. H. 6. f. 3. 4 H. 6. f. 29. & 40. 21. E. 4. fol. 78.

A man is disseised of lands, the disseisor selleth the land, the alienee knowing of the disseisin, obteineth a release with warranty from a collaterall ancestor of the disseisee, who also knoweth that the disseisee hath good right and title to haue the same lands, that collaterall ancestor dieth, the warranty discendeth vpon the disseisee as his heire without assets, yet the disseisee is barred by law and conscience, for it were inconuenient that such releases and other writings should be auoided by such allegations of conscience, D. St. li. 2. c. 50. Lit. sect 707.

If a feme couert being of full age leuy a fine by her husbands compulsion, yet after his death shee shall neuer for that cause by law nor conscience be admitted to auoid such fine, for the inconuenience which might thereof ensue, if by such nude auerments, matters of record should be auoided, Doct. and Stu. li. 2. c. 50. 7. H. 4. fo. 23.

If goods be wrecked vpon the Sea, that is, where goods be cast or come into the Sea by Shipwracke, so that no man, dog, or cat, come aliue to the land out of the shippe, or barge wherein they were carried (which is deemed a wracke, West. 2. c. 4.) and the owner thereof proueth them not to be his within a yeare and a day after such wracke, then the king ought to haue them both in law and conscience, because he is souereigne head of the people, and owner of the narrow seas, and is to scowre them (as it seemeth) from pirats, and because the property of goods must néeds be in some person, otherwise they would perish, which were against the weale publike, and in this case the first owner of the goods is vnknowne. And the like is it, of an Estray, or Deodand but not of goods voluntarily waiued, or casually lost and found by others, for in these two last cases, the propertie remaineth still in the first owners, Doct. and Stu. li. 2. c. 51. 35. H. 6. fo. 27.

The like seemeth to be where a subiect hath wrekes by prescription, 11. H. 4. fol. 16.

Now that we haue partly séene where a Subpœna lieth, and where not, let vs set downe some what of the ordinary proceeding thereupon.

Of the ordinary proceedings in the high Court of Chancerie.

Sect. 20

A Subpœna to Answer.

FIrst the partie grieued takes out his writ of Subpœna against the partie or parties offending, which Subpœna is in hæc verba. Iacobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ, Rex fidei defensor &c. A. C. salutem. Quibusdam certis de causis coram nobis in Cancell' nostra propositis tibi præcipimus firmiter iniungentes qd omnib' alijs prætermissis, et excusatione quacunq; cessante, in propria persona tua sis coram nobis in dicta Cancell' nra a die Paschę proxim futur in vnū mensem vbicunq; tunc fuerit, ad respond sup hijs quæ tibi obijcientur tunc ibid. Et ad faciend vlteri' & recipiēd q Cur nostra cōsiderauerit in hac pte. Et hoc sub pœna centum lib' nullaten' omittas. Et habeas ibi hoc breue. Teste meipso apud W. 12. die Febr' Anno reg' nri &c.

George &c.

But if the Defendant be a Noble man, then no Subpœna is awarded, but a letter by the L. Chancellor, or Lord Keeper, thus.

After

A Letter to a noble man in stead of a Subpœna to answer.

After my very hearty commendations to your L. whereas there hath bene of late a bill of complaint exhibited into the court of Chancery against you by H.D. gentleman, I haue thought good to giue you notice therof rather by these my priuate letters, then by awarding her Maiesties ordinarie processe: Wherefore these are to pray your L. to giue order for the taking out of a copie of a bill, and for the putting in of your answer thereunto, according to the vsuall course in such cases accustomed, at, or before Octab. Hill' nert insuing. Of the which nothing doubting but that your Lordsh. wil haue the care and regard which appertaineth, I leaue your L. to the most mercifull keeping of thalmightie. From Saint A. the 9. of May. 1564.

Your very louing friend
Io. Puckering.

The Superscription

To my very good Lord, I.L.D. these.

Sureties to yeelde damages to the def.

And it is to be noted, that by the statute 15. H. 6. ca. 4. a Subpœna is not grantable without sureties to yeld damages vnto the def. if he be iniustly vexed, and it were good to obserue this course, for auoiding of causeles and trifling suites, to which most men be ouerprone.

Costs for defaut of a bill.

Yet if the def. do appeare at the returne of the Subpœna, and no bill be put into the court by the plaintife against him, then costes are to be granted for such wrongfull veration. And thereupon he may haue a Subpena ad soluend' for the same costs in forme following.

IAcob' Dei gratia Angl' &c. I.S. salut &c. *vsque* firmiter iniungentes, qd tu soluas, vel solui facias R.N. 4 o. s. qui p̄ cōsiderationē dñi Cancell', vel dñi custod' magni sigilli, et Cur Cancell' nostr' p̄d eidē R. adiudicat fuer' p̄ missis & expensis suis quæ ipse sustinuit ratione et occasione cuiusdā querelæ, q̄ tu erga eund' R. in Cancel' nr'a p̄d minime prosequt' cum effectu, iuxta form' stat' inde edit' et prouis. vel tu ipse sis corā nobis.

Or thus, p̄ expensis soluend'.

Quod tu soluas, vel solui facias p̄f. R. vl.s. qui eidem R. adiudicat fuer' in Cancell' pred' pro expensis suis occasione iniuste vexation' q̄ ipse nuper indebite sustinuit in quadam billa versus ipsum R. in eadem Cancel' ad prosecutionem tuā nep fact' iuxta formam &c. *vt supra*.

Or thus.

Quę sustinuerunt occasion' cuiusdam breuis nostri de Subpœna eis direct' ad sect' tuam prosecuti ad comparand' corā nobis in dicta Cancellar'

cellar' nr̃a ad cert̃ diem iam preteritum, pro eo quod tu ad dict̃ br̃i content' aliquam billam siue materiam versus eos minime exhibueris, vel tu ipse sis &c. P'er Cancell'.

Although the writ import, that the Bill is put in before the taking out of the same, yet if the plaintife put in his bill by the returne of the writ it is sufficient, and no further proceſſe paſſe. And although the writ mentioned the paine of C.li. or such like, yet if the defend. doe not appeare at the returne of the writ, either by himselfe or his Atturney, the said paine is not forfeited or leuiable, for it is in terrorem tantum, 8. E.4.6. 10.H. 7.4. Then vpon Othe made before some maſter of the Chancerie for the seruing of the Subpœna, which Oath must be, that it was serued on the defendant himselfe, or at his dwelling house, so that he might haue notice thereof, or that the deponent did see an other serue the same, as aforesaid, or that the defendant confeſſed to the deponent, that he was serued, an Attachment shall be awarded against the defendant as is said, in hæc verba.

The time to put in the Bill.

Plaine in the writ not forfeited.

Othe for seruing the Subp.

Of an Attachment.

IAcobus &c. *vt antea*, vic. South. salutem, Prçcipim' tibi qd attach. A. C. Ita qd eum habeas coram nobis in Cancell' nostra in craſt. sanct' Trinitatis proxim̃ futur' vbicunq; tunc fuer' ad respond' nobis tam de quodã contemptu per pref. A. C. nobis vt dicitur, quam sup hijs quæ sibi obijcientur tunc ibid'. Et ad faciend' viter' et recipiend' qd cur' nr̃a consideraverit in hac parte. Et hoc nullaten' omitt'. Et habeas ibi hoc br̃e. Teste &c. Sect. 22

And if the defendant cannot be found vpon the attachment, and that the Writte returne, qd defen. non est inuent' in balliua sua, sometimes the Court vpon motion will (if the plaintifes suit be for the stay of some suit or action of extremity at the common law) stay the defendants suit, vntill he hath answered the plaintifes bill, and satisfied the Court for his contempt, but in ordinary causes the party proceeds to his Attachment with proclamation, which followeth in hæc verba.

Non est inuentus returned.

An Attachment with Proclamation.

IAcobus &c. Vic' S. Salutem, Prætipimus tibi qꝙ in omnibus & singulis locis infra balliuam tuam, tam infra libertates quam extra, vbi magis expedire videris, ex parte nostra publice proclamari fac' quod A. B. sub pœna ligeantiæ suæ cor̃ nobis in Cancellaria nostra in octabis sancti Michaelis proxim̃ futur' vbicunque tunc fuer' personaliter comparear, & nihilominus si ipsum A.B. interim innenire poteris, ipsum attach. Ita quod eum habeas coram nobis in dicta Cancellaria nostra ad diem ꝑdictum, ad respondendum nobis tam de quadam contemptu per Sect. 23.

prçfat'

pref. A.B. nobis illaꝯ vt dicitur, quam ſuper hijs q̄ ſibi obijciennur tunc ibm̄. Et ad faciend̄ vlterius & recipiend' qd̄ curia noſtra conſideraverit in hac parte. Et hoc nullaꝯ omittas. Et habeas ibi hoc bꝛe. Teſte, &c.

An Attachment in the Cinque Ports.

Sect. 24. REx &c. præd̄ et fideli ſuo W. Brooke Milit̄ dño Cobham Conſtabulaꝯ caſtri ſui Douoꝛ, ac deputaꝯ ſuo in officio cuſtodis quinq; portuum ſuorum ſalutem, vobis mandamus qd ſub ſigill' offic' veſtri balliuo libertaꝯ villæ de Haſtings, vel Maiori vel Iuratorib' antiquæ villæ detis in mandatis qd attach. R.S. Ita qd eum habeat &c.

An attachement in the Countie Palantine of Lancaſter.

Sect. 25. REx &c. Cancel' ſuo ducatus ſui Lanc' vel eius debitaꝯ ibid̄ ſaluꝯ vobis mandamus qd p bꝛe noſtꝝ ſub ſigill' nꝛo com̄ noſtri ducat' p̄d vic' noſtro eiuſdem com̄ detis in mandatis qd attach. R.S. Ita qd eum habeat coram nobis in Cancell' noſtra in quindena Paſch. proxim̄ futur̄ vbicunq; tunc fuer̄ ad reſpond' nobis tam de quodā contemptu per pref. R.S. illaꝯ vt dicitur quam de alijs ſibi tunc ibid' obijciend', et ad faciend̄ vlteri' et recipiend' qd cur̄ nꝛa conſideravit in hac parte. Et hoc nullaten' omitt̄ & habeat ibi bꝛe qd ſibi inde deuenit. Teſte &c.

The attachment for coſts is of the ſame forme of the attachement next before (verbatim) and is thus endorced, viz. Per cur̄ ad ſectam A. B. quia non ſoluit expenſ. And if the Attachment be awarded againſt any dwelling within the Countie Palantine of Cheſter, then it is directed to the Chamberlane of the County Palantine of Cheſter, and is of this forme enſuing.

Sect. 26 IAcobus Dei gratia Angl', Scotiæ, Franc' et Hiber̄ Rex fidei defenſor &c. Camerario ſuo Ceſtr̄, Salutem, Mandam' vobis qd p bꝛe noſtrum ſub ſigill' noſtro com̄ noſtri Palatini Ceſtr̄ detis in mādaꝯ vicecom̄ com̄ pred' qd attachiat R.M. generꝯ. Ita qd eum habeat coram nobis in Cancell' noſtra in quindena Paſchæ proxim̄ futur̄ vbicunq; tunc fuer̄ ad reſpondend' nobis tam de quodam contemptu nobis ſper p̄fat' R. illaꝯ vt dicitur quam de alijs tunc ibidem obijciendis. Et ad aciend' vlterius & recipiend' quod curia noſtra conſidet̄ in hac parte. Et hoc nullatenus omittatis. Et habeat ibi hoc breue. Teſte meipſo apud Weſtm̄ 14. die Marꝯ Anā regni noſtri.

William Cordell.

And

And the Attachment is endorced as followeth: Endorſement.

Per curiam ad ſectam I.B. & alijs quia non ſoluit expenſ.

The returne of the Attachment by the Chamberlaine.

Reſponſio Ro. comit Leiceſtr camerar com Pallantin Ceſtr.

Virtute iſtius breuis mihi direct' per breue dñę regin ſub ſigillo com Pallantin' p̄d' dedi in mandat prout vlterius mihi præcipitur vic' comit p̄dict' qui mihi ſic reſpondit vt ſequitur.

The Sherifes returne to the Chamberlaine.

Infranominat R.M. non eſt inuentus in balliua mea.

Ro. St. miles vic' com Ceſtr.

And if the Sherife returne, quod def. non eſt inuentus in ballin ſua, vpon that Proclamation, then a Commiſſion of Rebellion inſueth as followeth, to ſuch Commiſſioners as the plaintife nameth.

Of a Commiſſion of Rebellion.

IAcobus &c. dilectis ſibi A.B.C.D.E. & F. ſalutem. Quia A.B. cum per publicas proclamationes per vic' South. in diuerſis locis eiuſdem comit virtute breuis noſtri eidem vicec' direct', ex parte noſtra præcept fuerit, q̄ idem A.B. ſub pœna ligeantiæ ſuæ coram nobis in Cancell' noſtra p̄ſonaliter compareret. Mandato tamen noſtro in ea parte parere manifeſte contempſit. Ideo vobis coniunctim & diuiſim mandamus, quod p̄d' A.B. vbicunq; fuerit inuent infra regnum Angliæ tanq̄ rebellem & legis nr̄æ contemptor attach. vel attachiari faciat. Ita q̄ eum habeatis, vel haberi faciat coram nobis in dict' Cancell' nr̄a in craſtino animarum p̄xim futur vbicunq; tunc fuerit, ad reſpondend ſup hijs quæ ſibi obijcientur tunc ibid'. Et ad faciend vlteri' & recipiend q̄ Curia nr̄a conſiderauit in hac pte. Et hoc nullatenus omittat. Damus enim vniuerſis & ſingulis Vicec', Maiorib', Ballinis, Conſtabulat, & alijs Officiat, Miniſtris, ligeis & ſubditis nr̄is quibuſcunque, tam infra libertates quam extra tenere p̄ſent firmit in mandatis q̄ vobis & cuilibet veſtrum in executionem p̄miſſorum intendentes ſint, & aſſiſtentes in omnibus diligenter prout decet. In cuius rei teſtim has literas noſtras fieri fecimus patentes. Teſte &c. Sect. 27.

A Superſedeas of the Commiſſion of Rebellion.

REx &c. dilectis ſibi A. B. armigero T. G. & H. S. generoſis ſalutem. Licet nos nuper per literas noſtras patentes vobis coniunctim & diuiſim mandamus quod T. K. vbicunque inuent foret infra regnum noſtrum Anglię tanquam rebellem & legis noſtræ contemptorem attachiat vel attachiat fac' ita quod eum habeatis vel haberi fac' coram nobis in Cancellar' noſtra ad certum diem in eiſdem literis patentibus content Sect. 28.

ad respondend̄ nobis tam de quodā contēptu p ꝑf. T.K. illat vt dicebatur, quam de alijs sibi tunc ibid̄ obijciēd̄, ꝓut in eisd̄ literis pleni' continet. Quibusdā tamen certis de causis nos iam specialit mouentib' vobis & cuilibet vestr̄ mandam' q̄ cuicunq; execuc' literar̄ nr̄arum pateñ ꝑd̄ p vos seu aliq̄ vr̄m fact' vel faciend̄ versus ꝑd̄ T.K. supsedeatis omnino ꝑd̄ literis pateñ in contrar̄ aliqua non obstant. Et si ipsum T.K. ꝓextu literarū pat ent ꝑd̄ ceperitis seu aliquis vr̄m ceperit, tunc ipsum a prisoñ qua sic detinetur si ea occasione & non alia detineatur in eadem sine dilatione deliberari faciat. Teste &c.

A Supersedeas to the Chancellor of the County Palantine of Lancaster.

Sect. 29. REx &c Cancell' suo ducatus sui Lanc' vel eius deputat ibid̄ salutem: Quia A B. &c. vobis mandamus q̄ p breue nostrum sub sigillo nr̄o com t̄ ducat Lanc' custodibus pacis nostr̄æ in dicto comitatu Lanc' ac vic' eiusd̄ comit̄ & eorum cuilibet dctis in mandat̄ &c.

A Supersedeas to the Chamberlaine of the County Palantine of Chester.

Sect. 30. REx &c. Camerario suo Cestr̄ vel eius locum tenenti ibidem salutem. Quia P.H. &c. vobis mandam' q̄ p breue r̄m com ꝑd̄ tam Iustic' nr̄is apud Cestr̄ quam Iustic' n̄r̄is, ad pacem in com̄ Cestr̄ conseruat̄ d̄ assignat̄, ac vic' eiusdem com̄ & eorum cuilibet dctis in mandatis &c.

A Supersedeas of an Attachment.

Sect. 31. REx &c. vic' W. salutem, licet nos nuper per breue nostr̄ tibi ꝓceperimus quod Attachiares A.R Ita quod eum haberes coram nobis in Cancellar nr̄a ad certum diem in dict' br̄i content' vbicunq; tunc foret ad respondend̄ nobis tam de quodā contēptu p ꝑf. A. illat vt dicebat quam de alijs sibi tunc ibidem obijciend̄. Quibusdam tamen certis de causis nos iam mouent tibi præcipimus q̄ executioni br̄is nostri præd' versus ꝑfat A. fact' vel faciend̄ supersedeas omnino. Et si ipsum A. ea occasione ceperis, tunc ipsum à prisona qua sic detinetur si ea occasion̄ & non alia detineatur in eadem sine dilatione deliberari facias. Teste &c.

Of an Iniunction.

Sect. 32. AND if the partie defendant cannot be taken by the vertue of the said Commission: then if the plaintifes suit be for title of land, the Court sometimes grants an Iniunction to the plaintife for possession, till the defendant hath appeared, answered, and satisfied his contempt. If for stay of suit at the common law then an Iniunction vpon motion of the Court may be obtained: for the proceeding in this Court is, by the said writs, and by orders, iniunctions, and decrees, which if the defendant resist, his punishment for this resistance, and for his con-

Punishment for the contempt.

tempt

tempt in not appearing, is imprisonment in the prison of the Fleet, as is said, during the Lord Chancellor, or Lord Keeper their pleasure, or vntill he wil obey and performe the order and decree of the same court, 37.H.6.13. and 14.39.H.6.26.

Of apparance.

But if the Defendant appears by Atturney, vpon Affidauit, or oath made, that the Defendant is not able to trauaile for the answering of the same cause personally in the Chauncery without danger of life, or by reason of extreame age, or other infirmitie, or reasonable cause, then or otherwise the Chancellor or L. Keeper, or the master of the Rolles by their discretions may, and often do grant Commissions to certaine Gentlemen of credit in the countrey where the Defendant dwelleth, to receiue and certifie his answere in writing, including the Complainants bill within the same Commission. The forme of such Commission ensueth. Sect. 33 Affidauit of vnableneſse to trauaile.

Of a Dedimus potestatem, *or Commission to receiue an Answer.*

Rex &c. dilectis sibi W.S. & A.B. armig' salutem. Cum I.B. quandam petitionem coram nobis in Cancell' nr' versus W.C. & Lvxor eius nuper exhibuit, quodq; eisdem W. & I. p breue nostr' preciperimus, quod essent coram nobis in dicta Cancell' nostra ad certum diem iam preteritum, petitioni ꝑd' respons'. Ac ijdem W. & I. adeo impotentes sui existant, quod vtq; Cur' Cancell' nostr' ꝑdict' ad diem illum ad responsiones suas eidē petitioni faciendas absque maximo corporum suorum periculo laborare non sufficiunt vt accepimus. Nos statum eorūd' W. & I. pie compatientes atq; de fidelitatibus vestris plenᵉ confidētes, dedimus vobis vel duobᵘ vrm potestatem & authoritatem ipsos W. & I. de & super materia petitionis ꝑd' diligenter' examinand'. Et ideo vobis vel duobus vrm mandamᵘ, quod ad certos diem & locū quos ad hoc ꝓuideritis ad prætat' W. & I. accedatis, si commode ad vos laborare non possint, ac ipsos W. & I. de & super materia petic' ꝑd' sup Sacram̄ sua coram vobis vel duobᵘ vestr' corporaliter ꝑstand' diligenter eximiñ dictasq; suas responsiones recipiatis & in scriptis redigat, & cum illas sic receperitis, eas nobis in Cancell' nostra ꝑd' cum tenore pred' ac nomina Attorn̄ suorū ad luerand' vel ꝓdend' in ꝓmissis in Octabis &c. vbicunq; tunc fuerit sub sigillis vestris vel duorum vestr' plane distincte & aperte mittatis & hoc breue. Teste &c. Sect. 34

Which Commission is commonly returned with this indorsement.

Returne of the Commission.

Executio istius breuis (or) istius Commissionis patet in quibusdam scedulis eidem annexis.

Adding the Commissioners names thus:

W. S.
A. B.

And then to file the said Bil which is sent inclosed in the said Commission, and the defendants answer to the backside of the same Commission. And vnder the said answer the commissioners most commonly cause the defendant to subscribe his name, or to set his marke, and set downe thereunder also these or the like words:

Capta apud C. in Com Eborum, 23. die A. Anno regni Iacobi Dei gratia, Angliæ, &c. coram nobis.

W. S. &
A. B.

Deliuery of the Commission in Court.

The Commissioners subscribing their names also to the said answer. And when this or any other Commission retournable in this Court is executed and returned, it must bee brought into the same court, either by one or moe of the Commissioners thereof, or by some other credible person: but if any other then some of the Commissioners doe put it into the Court, he must make oath that he receiued the same Commission at the hands of some of the Commissioners thereof, and that by his consent, procurement, or knowledge, it it hath not bin opened or altered, since he so receiued the same.

Oath.

Of a Supersedeas to stay the execution of a Commission to examine witnesses.

Sect. 35

And yet sometime vpon good cause a writ of Supersedeas is awarded to stay the execution of such and other Commissions in this forme following.

Rex præd' & fideli suo Io. domino Darcy, Ac dilectis G.F. A.F. et T.R. armigeris salutem. Licet nos nuper p breue nostrum assignauimus vos tres vel duos vestrum, ad quoscunq; testes super quibusdam Interrogat in dicto breui nro inclus. p parte W.W. quer, versus R.M. et I.S defendentes. Ac q vos examinationes testiū p̄d' nobis in Cancellar nostram ad certū diem in dicto breui nostro limitat' sub sigillis vestris triū vel duorum vestrū mitteritis, prout in eodē breui nostro plenius contin. Quibusdam tamen certis de causis nos ad p̄tens specialiter mouentib', vobis precipim' q̄ in executiō dicti breuis nostri per vos, tres vel duos vestrum, vlterius fact' vel faciend' minime p̄cedatis, sed inter supersedeatis, vnico dict' breui nostro vobis prius in contrarium direct' non obstañ, T. meipso apud &c.

A Commission to proue that one who had made Affidauit, that the defendant was so sicke and impotent, that he could not appeare in the Chauncerie, to answer the plaintifes bill, had therein deposed vntruly.

REx prædilecto & fideli suo O. domino S. Iohn de Bletsoe ac dilecto Sect: 36.
sibi Lodouico Dyue R.N. & R.A. armigeris salutem. Cum nuper cur nostr' Cancellar' ex parte I.G. militis relatum fuerit & suggestum erat p̄ sacrament' cuiusd' R.L. q̄ p̄fat I.G. crastin S. Mark vltimo prēterito ita laborauit aduersa valetudine & adeo impotens sui extitit q̄ vsque dict' cur nostr' Cancell' p̄d ad diem illum ad respons. suam petitioni R.G. armig' fiend' absq; maxim' corpor' sui periculo laborare non sufficiebat. Et nos veritat' expiscari & inuestigare volentes vt tuiti' & consultius pro iusticia in hac parte procedere valeamus p̄ vos certiorari volum', dedim' vobis igitur tribus vel duobus vestr' ac p̄ p̄sentes dam' potestat' & auctoritat' scrutandi, inquirendi, et inuestigandi tam super articulis et interrogator' per antedict' R.G. coram vobis tribus vel duobus vestr' deliberand' et ad testes quoscunque ministrand' quos maxime pro testatione p̄missor' fore videritis necessar' coram vobis euocandum. Ac ipsos testes et eorum quēlibet tam de et super articulis p̄d' cum cunctis circumstanc' diligent' examinand', examinationesq; suas in scriptis redigend', quam omnibus alijs vijs, medijs et modis quibus melius sciueritis, seu poteritis vtrum p̄fat I.G. ita languidus fuit ad dict' diem crastin' Mark q̄ absq; periculo sui corpor' laborare minime potuit. Et ideo vobis tribus vel duobus vestrum mandam' q̄ visis p̄sentibus ac tenore articulorum et interrogatorior' p̄d per p̄fat Reginald' ministrandor', et per vos plene intellector' testes prædquos in hac parte vt p̄d est fore videritis necessarios euocetis coram vobis tribus vel duobus vestrum ad certos dies et loca, quos ad hoc prouideritis, venireque faciatis, ac ipsos et eor' quemlibet de et sup veritate p̄missor' sup eorum sacramentis coram vobis corporalit̄ p̄stand' diligent' examinetis, examinationes suas recipiatis, & in scriptis redigatis & tunc cum sic feceritis nos inde in Cancell' nr̄a de omni facto vestr' in hac pte in octabis S. Hillar' p̄xim' futur' vbicunque tunc fuerit sub sigill' vestris trium vel duor' claus. reddatis certiores vna cum breui nobis remittend'. Teste rege apud Westm' 28. die No. anno regni regis Iac. 3.

Of imperfect Answer.

BVt if the defendant appeare personally, or by Atturney, and make Sect: 37.
an imperfect answere, then, vpon demurrer tendred, and motion made in Court by the plaintifes counsell, shewing the imperfection of such answer, an order will be made, that the defendant shal make a better answer by some certaine time, and therupon issueth a Subpœna ad

Subpœna to make a better answer.

faciendum meliorem responsum.

Receiuing and ioyning in Commission ad examinand' testes.

Sect. 38. And when the defendant hath made a perfect answer, the plaintife either of his owne accord, or by order in Court must reply, or be

Replie. dismissed for want of a replication, and ordred to pay to the defendant costs for his wrongfull veration, but vpon replication put in by the

Subpœna ad reiungendum. plaintife, the plaintife is to take out a Subpœn against the defendant ad reiungend, & iungend in commissiõ ad examinand testes, which differeth nothing from the said Subpœn ad Comparand, but that it is indorsed with these or the like words:

Ad reiungendum & iungendum in commissione in materia W.S. Naming the plaintife.

Reioinder. And thereupon the defendant must put in his reioinder to the plaintifes replication. And if any other matter be in the defendants reioynder then was in his answere, then may the plaintife put in a surreioinder, and thereby answere the same, and so procede to perfect issue, the

Surreioinder. Issue. forme of all which hereafter appeareth: And the parties being so at issue, they either examine their witnesses before the examiners of the

Commission. Chaunterie in Court, or doe procure a Commission, ad examinandum testes, to certaine persons of good credite, in forme following.

Of a Commission ad examinand' testes.

Sect. 39. Iacobus Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor &c. dilect' sibi I.F. R.H. armig' R. W. & N. S. generosis salutem. Sciatis quod dedimus vobis, tribus vel duobus vestrum, potestatem, & authoritatem testes quoscunque de & super quibusdam interrogatorijs tam ex parte W.W. armigeri quereñ, quam ex parte A. M. vid defeñ vobis tribus vel duobus vestrum deliberandum diligenter examiñ. Et ideo vobis tribus vel duobus vestrum mandamus, quod ad certos dies & loca quos ad hoc prouideritis testes prædictos coram vobis tribus, vel duobus vestrum venire fac' & euocetis. Ac ipsos testes, & eorum quemlibet de & super Interrogatorijs prædictis super sacramenta sua coram vobis tribus, vel duobus vestrum, per sancta Dei Euangelia corporaliter præstand diligenter examinetis. Examinationesque suas recipiatis, & in scriptis in pergameno redigatis. Et cum illas sic ceperitis, eas nobis in Cancellariam nostram in quindena Paschę proximum futurum, vbicunque tunc fuerit sub sigillis vestris trium vel duorum vestrum clauſ. distinctè & aptè mittatis vna cum Interrogatorijs ꝺ', & hoc breui; Prouiso semper

ſemper q̄ dict' defend' habeant ꝓmonitionem p ſpacium quatuordecim dierū, de die & loco executionis hiius Commiſſionis ante executionem eiuſd', T. meipſo apud Weſtm̄ 7. die Febr' anñ regni nr̄i ſecund'.

The returne of which Commiſſion is commonly indorſed vpon the ſame thus:

Executio iſtius Commiſſionis patet in quibuſdā ſcedul' eidem cōmiſſioñ annexis.

The Commiſſioners names.
W. S. A. B. C. D.

And then to file the interrogatories and depoſitions to the backſide of the Commiſſion, & vpon receipt of ſuch Commiſſion, the Commiſſioners, or the partie which hath the carriage of the ſame, if the day and place for execution thereof be not limitted in the Commiſſion doe vſe to giue notice thereof to the partie in writing vnder their hands thus: Notice of the execution of the commiſſion.

A notice whereby Commiſſioners may giue the parties warning of the time and place of their ſitting for the execution of ſuch Commiſſion.

After our heartie commendations, whereas we haue receiued his Maieſties Commiſſion forth of his highnes Court of Chancery, to vs and others directed for the examination of witneſſes betweene C. S. plaintife, and W. R. defendant. Theſe are to ſignifie vnto you, that for the execution of the ſame Commiſſion, wee whoſe names are ſubſcribed, haue appointed to ſit at S. in the countie of D. the laſt day of the next moneth, by eight of the clocke in the forenoone of the ſame day, which wee haue thought good to ſignifie vnto you, that you may haue your Commiſſioners and witneſſes then there ready accordingly, if you thinke it expedient for you. And ſo bid you farewell, 27. Febr. 1600. Sect. 40

Your louing friends,
A. B. C. D.

Of citing witneſſes.

And if ſuch Commiſſion giue authoritie to them, to cite, and call witneſſes before them, they vſe to doe it by ſuch a Precept as followeth. Sect. 41

The Precept of Commiſſioners, to bring witneſſes before them to be examined.

By vertue of his Maieſties Commiſſion forth of his H. Court of

of Chancery to Sir A. N. knight, A. R. esquire, and vs, directed for the examination of witnesses betweene C. S. plaintife, and W. R. defendant: These are in his Maiesties name, to charge and command you, and euery of you, whose names are hereunder written, personally to appeare before vs at S. the last day of this moneth of August, by eight of the clocke in the forenoone, then and there to depose your seuerall knowledges, vpon the part and behalfe of the said C. S. And hereof faile you not, as you will answer your defaults at your perils. Dated this 15. of August. 1600.

Your very louing friends,
A.B. G.T.

To our loving friends, Walter B.L. G.C. R.P. I.P. Esquiers. L.C. R.T. Gentlemen.

Subpœna ad Testificand'.

Sect. 42 But if that no such power be giuen by such Commission, then if the witnesses will not appeare gratis, they are compellable thereunto by Subpœna ad testificand' in maner following.

Subpœna ad testificand' coram Commiss.

Iacob. &c. Quibusdam certis de causis &c. sitis coram dilectis nobis R. & C. armig' E.H. et E.C. gener', vel duobus eor' Commissionarijs nostris virtute breuis nostri de Dedimus potestat eis direct' ad certos diem & locum quos ꝑfat' Commissionar' vobis Scire facias (Aliter apud N. in Comit B. 20. & 21. die Aprilis ꝓxim futur) vt ipsi vos tunc & ibidē, de, & super quibusdam Interr' ꝓ parte A.B. diligent' possint examinare & ad faciend' vlterius et recipiend' quod per dictos Commissionar' nostros vel duos eorum in ea parte consideral' fuerit, Et hoc sub pœna centū libr' nullaten' omittat. Et habeat ibi hoc breue. Teste meipso apud Westm &c. *vt supra.*

Of the stile of Interrogatories.

Sect. 43 ¶ Interrogatories to be ministred to the witnesses to bee produced vpon the part and behalfe of A.B. compl. against C.D. defendant (if they be for the plaintife:) But if for the defendant, vpon the part and behalfe of C.D. defendant, against A.B. complainant.

Inprimis, Doe you know the said parties, plaintife and defendant, or either of them &c.

Item, Doe you know &c. As the cause requireth.

Of the stile of the Depositions thereupon taken.

Sect. 44 ¶ Depositions taken at H. in the Countie of E. the last day of April, in the third yeare of the reigne of our Soueraigne Lord Iames by the grace

grace of God, of England, Scotland, France and Ireland King, defender of the faith, &c. vpon the part and behalfe of A. B. plaintife against C.D. defendant, (or vpon the part of C.D. defendant, at the suit of A.B. plaintife) by vertue of his Maiesties Commission foorth of his highnesse Court of Chauncery, to R.S.C.L.P.Q. and W.M. or to three, or two of them directed, for the examination of witnesses betweene the said parties.

I.L. of A. in the Countie of C. labourer, of the age of xlvj. yeares or thereabouts, sworne and examined, deposeth and saith vpon his oath as followeth.

Item, to the first Interrogatory hee deposeth and saith, that &c. As the matter is &c. And so vpon the rest of the Interrogatories.

The direction of the Commission being executed Illustrissimo domino nostro Iacobo Regi in Cancellaria sua, *Of Publication, Hearing, and Bruiates, and after that then this*, Certific depositiones testium ex parte A. B. & C.D.

After that the witnesses be so examined in the Court, or by commission, as is aforesaid, Publication is to be had, and thereupon a day of hearing is to be procured. Against which time, Bruiates must bee made of the effect of the pleadings, depositions, and other proofes and euidence, and the counsell perfectly instructed of the whole state of the matter, and a Subpœna ad audiend. iudiciu. made and deliuered to the partie in conuenient time before the said day of hearing: At which time, albeit that vpon the hearing the matter be dismissed, yet may the parties haue the depositions of their witnesses exemplified vnder the great Seale of England for the furtherance and maintenance of their rights and titles, at, and by the common law. But if the matter be decreed for the compl. after the decree past and enrolled, hee may haue a writ de Executione Iudicij which must bee serued vpon the defendant. And if hee refuse to fulfilie the same, then vpon oath made thereof, processe of contempt is to issue against him in forme aforesaid. And if such decree be in suit of landes, and the defendant abide all the said processe of contempt, and still detaine the possession of the landes from the plaintife contrary to the said decree: then vpon motion thereof made in the Court, a Commission is vsually granted to the Sheriffe, and some others nere adioyning to the landes in question, to put the plaintife in possession, and to keepe him in possession according to the said decree.

Sect. 45.

Subpœna to heare iudgement.

Exemplification of the depositions.

A writ de executione iudicij Contempt.

Commissiō to put the plaintife in possession.

A Com-

A Commission to the Sheriffe to put and keepe the plaintiffe in possession according to an order therein taken, vntill a cause theein depending in suit bee heard and determined.

Sect. 46

REx &c. vic' Kanc' salutem. Cum p ordinationem capt' in Cancell' nostra 3. die Iulij vltimo preterito inter W.A. querentem et W.Y. et alios defendent, ordinat' fuit q̄ p̄d' W.A. et assignat' sui pacifice & quiete haberent, gauderent et occuparent vnum messuag' siue tenement' cum pertin̄ iacent' et existent' in E. & R. in Comitatu pred' inter partes pred' in Cancell' pred' in controuersia pendent' indecisa absq; vexatione, molestatione siue interruptione pred' W.Y. siue aliquarum personarum sub titulo, interesse, Iur', vel p̄curatione suis donec materia inter partes p̄d' in Curia n'ra p̄d' finaliter determinetur. Et quia iam ex testimonio fide dignorum accepim', q̄ diuerse alieniginę ignotæ inhabitan̄ extra Com̄ Kanc' per p̄curationem p̄d' defend' vt asseritur possessionē messuag' et ten̄t p̄d' cū p̄tin̄ vi & armis, ac manuforti tenent in defraudation̄ et cōtemptū ordinis p̄d', ac ipsum W.A. & assignat' suos extra possession̄ messuag' & ten̄ p̄d' custodiunt contra formam et effectum ordinis predict': tibi igitur p̄cipimus q̄ immediate post receptionē huius breuis assumpt' tecum sufficient' potestat' Comitat' nostræ Kanc' p̄dict' in p̄pria p̄sona tua ad messuagium, siue ten̄trum pred' accedas & attachiari & arrestari facias quascunque personas ibid' inueneris possession̄ messuag', ten̄t siue terr' p̄d' siue alicuius parcell' tenentes, & eos & eorum quemliber de die in diem duci facias vsque prisonam nostram de Fleete gardiano nostro ibidem liberandum & ibidem moratur' quousq; de eorum deliberation̄ aliter duximus ordinandum. Ac vlterius tibi p̄cipimus firmiter iniungendo q̄ inde p̄d' W.A. & assignat' suos in pacifica & quieta possession̄ eiusdem de tempore in tempus manuteneas donec aliter inde à nobis habueris specialiter in mandatis. Et quid inde feceris scire facias Cancell' nostro. Teste &c.

A Cerciorare to Commissioners to certifie the depositions taken by Commission.

Sect. 47

REx &c. dilectis sibi A.B. & C.D. gener', salutem, Volentes certis de causis Cerciorari super quasdam depositiones testium inter H.G. querent' & C.D. defend' p̄ vos, tres vel duos vestrum virtute breuis nostri de Commissione vobis in ea parte direct' capt' & adhuc penes vos residen', vt est dictum, vobis mandamus quod depositiones præd' cum omnibus eas tangen̄ adeo plene & integre prout coram vobis capt' fuer' nobis in Cancell' nostram in quindena Paschæ proxim̄ futur' vbicunq; tunc fuerit sub sigillis vestris trium vel duorum vestrum distinct' & aperte mittatis & hoc breue. Teste &c.

Of

Of a Commission to examine witnesses in perpetuall memorie.

FIrst the plaintife must exhibit his bill, and thereby shew his title to the land, lease, or such like matter that he hath right vnto, and that the witnesses which can proue his title are aged, and not like long to liue, whereby he may be in danger of the losse of the thing in question. And therefore to pray to haue a Commission directed to certaine Gentlemen of credit and worship for the examination of the said witnesses. And also to pray processe of Subpœna against him, her, or them to shew cause, if he or they can, why the plaintife should not examine his witnesses, as aforesaid. The forme of which processe ensueth, in hęc verba. Sect. 48.

Iacobus Dei gracia Angl', Scotiæ, Fran, & Hibernię Rex, fidei defensor &c. I.S. salutem. Cum A.B. exhibuit coram nobis in Cancellar' nostra quandam petitionem vt quidam testes in perpetuam rei memoriam versus te examinarent, et ne id tibi in prędudicium cederet: Tibi præcipim' firmiter iniungentes, q' omnibus alijs prætermissis, & excusatione quacunq; cessante, in ꝓpria ꝑsona tua, vel per tuum Attornatum, aut deputat', sis coram nobis in dicta Cancellaria nra infra quatuordecim dies immediate post receptionem hui' breuis (si tibi ita visum fuerit) vt dicti testes, aut alij quicunq; ex pte tua ibid' similit' exam' possint, (si ita velis) vel vt ostendas & ꝓponas, vel ostendi & ꝓponi facias, tunc & ibid' bonam sufficient' & ꝓbabilem matiam ꝓ pte tua quare ijdem testes ꝓ pte dicti A.B. in forma pd' examin', & postea eorum examinationes secund' ordinem & cursum dict' Cur' nostræ publicari & diuulgari non debeant.

Concerning these matters of the Chauncerie, note what ensueth.

And if the party defend. doe appeare, either by himselfe, or his counsaile, and shew such sufficient cause as the Court will allow of, why the plaintife should not examine his witnesses, as is aforesaid, then the plaintife may not proceed therin, vnlesse he can better satisfie the court to the contrarie. But if the defendant be contented, and will ioine with the plaintife in examination, then after examination so had, there can be no publication thereof during the liues of the witnesses, vnlesse the defendant doe assent, or vnlesse the plaintife, or some other in his behalfe doe make oath, that the matter whereupon the witnesses were examined, is to take triall at the common Law, either at the Assises or at the barre. And that A. B. or more of the witnesses before examined, are necessarie witnesses, and not able to trauell to the said triall: And vpon such oath taken, his or their depositions are to be published of course. And to be exemplified, if the party so require.

But if the party defend. doe not appeare vpon the said writ, neither by

by himſelfe, nor his Atturney, by the end of the ſaid viij. dayes, nor ſhew no cauſe of ſtay thereof, whether it be in terme or out of terme time, then vpon oath made of the ſeruing of the ſame writ, the Lord Chancellor, Lord Keeper, or Maſter of the Rolls for the time being, at the requeſt of the plaintife, will appoint Commiſſioners for the examination of the plaintifes witneſſes, according to certain orders preſcribed in that behalfe.

There be alſo many other different formes of Subpena's and Commiſſions, of which ſome doe hereafter enſue.

Subpœna ad teſtificandum ſuper petitionem.

Sect. 49. AD teſtificandum pro parte tua in quadam materia content' in quadam petitione, ad ſectam tuam verſus quenda W. M. coram nobis in dicta Cancell' nra nuper exhibit', vel tu ipſe ſis coram nobis &c.

Aliter ad teſtificandum ad Aſſiſas quare ſuper articulis.

Sect. 50. SItis coram Iuſtic' noſtris ad Aſſiſas in com̃ H. capiend' ad ꝓx' Aſſiſas in com̃ p̃d', tenēd' apud L. die Lunæ, in tertia ſeptimana quadrageſim̃, vt ijdem Iuſtic' vos tunc & ibid' ꝓ parte R. W. de, et ſup veritat' quorund' articulor' p̃ p̃f. R. verſus A. B. exhibit' poſſint examinar', Et ſub pœna, &c.

Subpœna ad oſtendendum cauſam quare euidenc' non deliberentur.

Sect. 51. REx, &c. Quibuſdam &c. vſq; vbicunq; tunc fuerit ad oſtendendum quare euidenc' et ſcript' p te in Cancell' noſtr' p̃d', nup deliberat', & ibid' adhuc remañ W. C. deliberari non debeant. Et ad faciēd', &c. *vt ſup.*

Subpœna ad teſtificandum ad Aſſiſas in London.

Sect. 52. SItis coram dilecto et fideli noſtro Edmundo Anderſon Milit' capital' Iuſticiar' noſtro de banco, ac Iuſticiar' ad aſſiſas in ciuitate London capiend' aſſign' apud Guildhaldam ciuitatis London p̃d', die veneris, videlicet nono die inſtantis menſis Februar' ꝓxim̃ futur', vt ijdem Iuſticiar' vos tunc & ibidem pro parte H. T. poſſint examinare. Et hoc &c.

Subpœna ad teſtificand' coram Vicecomit' London.

Sect. 53. IAcobus Dei gratia Angliæ, Scotiæ, Fran̄, &c. W. I. ſalutem: Quibuſdam certis de cauſis coram nobis in Cañ noſtra propoſitis: Tibi præcipimus, firmiter iniungentes, quod omnibus alijs prætermiſſis, & excuſatione quacunq; ceſſante, in propria perſona tua ſis coram Vicecomit' Ciuitatis noſtræ London, apud Guildhaldam eiuſdem Ciuitatis die

Iouis

Iouis ꝓxim̃ futur', ad testificand' veritat̃ in materia coram eis pendent' & ad faciendum vlteius, & recipiendum q̃ de contingerit ordinari tunc ibidem. Et hoc pœna centum librar' nullatenus omittas. Et habeas ibi hoc breue. Teste meipso apud Westm̃ vltimo die Martij, Anno regni nostri 3:

Subpœna pro Euidentijs adferendis.

REx R.D. salutem. Quibusdam certis de causis coram nobis in Cancell' nostra ꝓpositis: Tibi præcipimus, firmiter iniungentes, quod omnibus alijs pretermissis & excusatione quacunque cessante, in ꝓpria persona tua sis coram nobis in dicta Cancell' nostra in quindena Sancti Hillar' proxim̃ futur', vbicunq; tunc fuer', adferens tecum omnia & omnimoda cartas, scripta, euidentias, & munimenta in custodia tua, aut alicuius alterius personæ, aut per tuum deliberationem ad tuum vsum existen̄, vnum messuagium, vocat' Le G. & horreum cum omnibus terris eidem messuagio pertin̄ concernen̄, in quadam petitione q̃ W. T. coram nobis in Cancell' nostra p̄d' versus te exhibit', content' specificat', & ad faciend' vlteriu, & recipiendū q̃ Curia nr̄a consideraverit in hac parte. Et hoc nullatenus omittas. Et habeas ibi hoc breue. Teste &c. Sect. 54

Aliter pro Obligatione deliberanda.

ADferens tecum quandam Obligationem per quam W.C. Miles tenetur et obligatur T.B. milit̃ nuper marit̃ tuo iam defuncto in ducentis marcis in custodia tua existen̄, vt dicitur, & ad faciend' vlterius, &c. *vt supra.* Sect. 55

And when a suit hath depended vnprosecuted two yeares, they award a Subpœna de Atturnat̃ faciend', *in this forme.*

REx B.R. salut̃ &c. (vsque tunc fuerit, & tunc sic) ad faciend' Atturn' in materia quæ est coram nobis in dicta Cancellaria nostra inter te defend', & M.S. querem̃ per billam, & ad faciend' &c. *vt supra.* Sect. 56

Commissio ad recipiendum responsum, & ad examinandum testes quoscunque & ad audiendum & terminandum.

REx dilectis sibi A.T. armigero, & B.S. armig', salutem, Cum A.W. quandam petitionem coram nobis in Cancellaria nostra versus R. C. nuper exhibuit, quod quidem R. per breue nostr̃ præciperimus quod esset coram nobis in dicta Cancellaria nostra ad certum diem iam præteritum sub certa pœna in dict' breui nostro contenta petitioni præd' respondit: Sciatis quod assignauimus vos, ac tenore p̄sentium damus vobis vel vni vestrum potestatem & authoritatem respondendi præfati Sect. 57

R. ad

R. ad petitionem pred' recipiend', & in ſcriptis redigend', et quoſcunq; teſtes, de & ſuper materia in petitione & reſponſione p̄d', content', examinand', ac eandem materiam iuxta ſanas diſcretiones veſtras vel vnius veſtrum audiend', et finaliter determinand'. Et ideo vobis mandamus, q̄ viſo tenore petitionis pred', quam vobis mittimus p̄ſentibus interclu-ſam, præfat' R. coram vobis, vel vno veſtrum venire faciatis, ac reſponſ. ſuam petitiõ pred' in forma prædict', fiendam ſuper Sacramentũ ſuum recipiatis, et in Scriptis redigatis, necnon teſtes p̄d', coram vobis vel vno veſtrum ad certos dies & loca, quos ad hoc q̄uideritis coram vobis venire faciatis, & euocetis, ac ipſos, & eorum quemliber, de & ſuper veritate petitiõ, & reſpõſion p̄d', ac de & ſup articulis omnib⁹ et ſingulis p̄miſ. qualitercunq; cõcernẽ ſup eorũ ſacram̃ corporaliter preſtand', diligenter examinet', examinationeſque ſuas recip, & in ſcript' redig'. Et cum eas ſic ceperitis eandem materiam partib⁹ ad id vocat', viſiſque eorũ ſcriptis & auditis hinc inde eorũ rationibus, et allegationibus, omnibus vijs, modis & mediis quibus melius ſcieueritis, aut poteritis, vel vnus veſtrum Sciuer', aut poter', iuxta ſanas diſcretiones veſtras vel vnius veſtr̃ finaliter determinetis, vel vnus veſtrum determinet: Sin autẽ nos de omni eo q̄ inde feceritis vel vnus veſtrum fecerit, in Cancellaria noſtra ſub ſigillis veſtris, vel vnius veſtrum in Quindena Sancti Michaelis q̄ñ futur', vbicunque tunc fuerit diſtincte & aperte reddat certiores, hoc breue, vna cum petitione, reſponſione, & teſtium examinationibus pred' nobis remittentes &c.

Commiſſio ad audiendum & terminandum materiam in petitione, & reſponſione, & ad examinand' teſtes quoſcunque.

Sect. 58 REx dilecto ſibi A.B. ſalutem. Quia de & ſuper veritate querimoñ in quadam petitione coram nobis in Cancellaria noſtra per T.C vertus I.R. & alios nuper exhibita content', ac de & ſuper veritate in quadam reſponſione per partes pred' in hac parte facta, & in eadem Cancellaria ſimiliter exhibit', necnon de & ſuper omnibus articulis & circumſtantijs queremoniam & reſponſionem illas concernent', vtrutius & conſultius q̄ Iuſtitia in eiſdem exhibend' q̄cedere valeamus vobis de quorum fidelitatibus, & q̄uidis circumſpectionibus plene confidimus, Dedimus vobis, vel duobus veſtrum poteſtat' & authoritatem audiendi & examinandi materiam in petitiõ, ac reſponſioñ, ac in omnibus articulis & circumſtantijs prędictis, querimoniam, & reſponſionem illas concernen', hijs præſentibus annex' contentam, & ſpecific' & eandem materiam iuxta ſanas diſcretiones veſtras finaliter ſi poteritis determinand'. Et ideo vobis, vel duob⁹ veſtrũ mandamus, quod ad certos dies & loca, quos ad hoc q̄uideritis, teſtes quoſcunque inter par-

tes

tes prædᵗ, quos maxime pro teſtificatione veritatis præmiſſorum fore videritis euocandos, coram vobis vel duobus veſtrum euocetis, Ac ipſos teſtes & eorum quemlibet de & ſuper querimonia, reſponſione, articulis, & circumſtantijs prędᵗ ſuper ſacramenta ſua diligenter iuretis, & examinetis. Et ſuper hoc auditis hinc inde earum rationibus, et allegationibus, ac alijs vijs ac modis, quibus melius ſcieritis aut poteritis eandem materiam vt prædict' eſt finaliter ſi poteritis determinetis. Sin autem, nos in Cancellaria noſtra de omni eo quod inde feceritis in quindena ſancti Hillar proxim futur, vbicunq; tunc fuerit, ſub ſigillis veſtris, vel duorum veſtrum diſtincte, & apte reddaris certiores, remittentes nobis tunc tenores prædict', vna cum hoc breue. Teſte &c.

Commiſſio ad examinandum Teſtes ad locum & diem certum, de valore bonorum & catallorum.

REx dilect' ac fideli ſuo R. B. Milit, ac dilect ſibi I. D. & P. W. armiger ſalutem. Sciatis q̄ nos de fidelitatibus, & prouidis circumſpectionibus veſtr plurimum confidentes aſſignauimus vos, ac tenore præſentium damus vobis vel duob' vr̄m plenam poteſtatem et authoritatem inquirendi, tam per depoſitiones quorumcunque teſtium, coram vobis producend', & examinand quam alio quocunque modo ad libitum veſtrum, quæ bona & catalla fuerunt I. M. generoſi, ſiue alterius cuiuſcunque remanent infra domum manſionalem, ſiue firmam de C. in E. in comitatu Oxon' quo tempore Ro. Bi. poſſeſſionem eiuſdem domus ſiue firmæ natus fit, & cuius valoris ſiue pręcij eadem bona & catalla ſic infra eandem domum, & firmā prædᵗ exiſtentia ad tunc fuerunt, et extiterunt. Damus etiam vobis, vel duobus veſtrum poteſtatem & auctoritatem teſtes quoſdam quorum ſeperalia nomina in quibuſdam Interrogatof preſentibus interclus. ac eiſdem teſtibus ſeperaliter proponend, inſerta apparebunt de & ſuper eiſdem Interrogat diligent examinand. Et ideo vobis mandamus q̄ ad certos dies & loca quos ad hoc ꝓuideritis, teſtes ꝓdictᵗ ac alios quos cunq; quos maxime ꝓ teſtificatione veritatis fore videritis neceſſarios & oppertunos coram vobis vel duobus veſtrū venire faciati, & euocetis, ac ipſos teſtes, & eorum quemlibet tunc & ibid, tam de & ſup pleno & iuſto valore omnium & ſingulof bonorum & catallorum prædictorum quam de & ſuper Interrogatof prædictis, ſuper ſacramenta ſua per ſancta Dei Euangelia coram vobis vel duobus veſtrum corporaliter ꝓ tanda diligenter, examinetis. Examinationeſq; ſuas recipiatis & inſcriptis in pergameno redigatis. Et cum eas ſic ceperitis, nos inde ac de omni eo quicquid pro meliore cognitiōne præmiſſorum feceritis, vel duo vr̄m fecerint in Cancellaria noſtr in Octabis Sancti Michael' proxim futur, vbicunq; tunc fuerit, ſub ſigillis veſtris, vel duorum veſtrum clauſ. diſtincte

Sect. 59.

distincte, & aperte reddatis certiores, remittentes nobis interrogatoꝛ prędict vna cum hoc breue. Teste &c.

Commissio ad supernidendum & distinguendum Vastum.

Sect. 60. REx dilect' ac fideli suo Willihelmo P. Milit, ac dilect sibi W. T. armiger salutem. Sciatis q nos de fidelitatibus, & prouidis circumspectionibus vestr plenius confidentes assignauimus vos, ac tenore ꝑsentium damus vobis plenam potestatem et authoritatem audiendi & examinand quandam materiam in quibusdam articulis his ꝑf. annex' contentam, & specificatam, & eandem materiam iuxta sanas discretion vestr finaliter si poteritis determinand. Et ideo vobis mandamus, quod ad certos dies et loca, quos ad hoc ꝓuideritis ad quoddam vastum vocat blacke downe super M. in com S. in articulis ꝑd' specific' ꝓsonalit accedatis, vastumq; illud supnideatis, ac tam ꝑ depositiones testium quam alijs vijs, modis, & medijs quibus melius sciueritis aut poteritis diligent inquirat quantum inde ad manr de H. & quant inde ad maneriū de W. in com ꝑd, ꝓtinere debeat, & supinde, limites, bundas, metas et diuisas, inter vnum & alium, & quantum ad vnum, & quantum ad alium maneriorum predict' pertin' vobis constare poterit, poni faciat & limites examinationesq; testium ꝑd recipiatis, & in scriptis redigatis, omnesq; alias depositiones testium antehac examinat, munimenta, scripta, records, transcripta, territoria, chartas, ac alias euidentias quascunque per partes in articulis ꝑd' specificat, coram vobis exhibend' acceperitis & inspiciatis. Et super hoc, materiam in articulis ꝑd' specificat iuxta sanas discretiones vestras finaliter si poteritis determinet: Sin autem nos in Cancellaria nostra de omni eo quod inde feceritis in quindena Sancti Michael' ꝓxim futur vbicunq; tunc fuerit sub sigillis vestris distincte & aperte reddatis certiores, remittentes nobis articulos prædictos vna cum præsentibus. Teste &c.

A Commission directed to the Lord Deputy of Ireland, and the Lord Chancellor, with others, for the hearing and determining of a Title of Land.

Sect. 61. IAmes by the Grace of God &c. To our trustie and right well beloued Sir H. S. Knight of the order &c. L. Deputie of our Realme of Ireland, H. C. Archbishop of D. our Lorde Cauncellor there, Sir I. P. Knight chiefe Justice of the Pleas there, I. B. Esquire, chiefe Baron of our Exchequer there, F. A. Esquire, one of our priuie Councell there, I. D. Esq. second Justice of our chiefe Bench there, R. F. Esq. our Serieant at the Law there, and L. D. Esq. our Solicitor there, Know ye, that for certaine considerations thereunto mouing, and of

our

our more motion, and for y great confidence and trust we haue in your fidelities, circumspections, prouidences, & wisedomes, we haue deputed, ordeined, authorised, appointed, constituted, giuen and graunted, and by these presents do depute, ordeine, authorise, constitute, appoint, giue, & grant vnto you, or any viij, vij, vj, v, iiij, or ij, of you (of which we will that &c. be alwaies one) full power, iurisdiction and authoritie to hold plea, heare, determine, discusse, decree, and finally to iudge of all and singular actions, debates, strifes, quarrels, rights, titles, and demands whatsoeuer they be, as well reall as personall, which by plaint, supplication, or bill to be exhibited, or otherwise by any manner of meanes else, shall or may appeare, or come before you, or any viij, vij, vj, v, iiij, or three of you, (of which we will that &c. be alwayes one) of, for, and concerning the interest, right, title, demaund, and possession of two parts or moities, of all those lands &c. with the appurtenances in the countie of D. within the said Realme of Ireland, to be by D. D. late of &c. I. D. widow, F. D. Y. D. D. D. Gentlemen, and sonnes to R. D. late deceased, & R. D. nephew to the said F. Y. and D. or by any of them seuerally, or iointly, or any y, iij, iiij, v, or vj, of them against C. S. alias H. lord of A. within our said Realme of Ireland, and all and euerie other person or persons, which shall claime from, by, or in the right of the said Lord, or in his or their owne right or rights, or by any meanes else whatsoeuer it be, which he or they claime to haue to the said moities of the two partes of the said landes, &c. with the appurtenances aforesaid: giuing and graunting, and by these our Letters Patents we doe giue and graunt vnto you, or to any viij, vij, vj, v, iiij, or ij, of you, (of which number we will that &c. be alwaies one) full power, iurisdiction, and authoritie to call before you, or any viij, vij, vj, v, iiij, or ij, of you, (of which we will that &c. be alwayes one) at such times and places according to your good discretions, which vnto you, or any viij, vij, vj, v, iiij, or ij, of you, (of which we will &c. be alwayes one) and to cause the said Lord H. or any which claimeth in his or their owne right or rights, or by any waies or meanes else whatsoeuer, any interest, right, title, or possession in the two partes or moities of the said lands, &c. with their appurtenances aforesaid, or any parcell thereof, to answer, reioine, and ioine issue, or otherwise plead, as the cause & matter shall require, and vpon any plaint, supplication, action, or suit whatsoeuer, which shall be exhibited, or come before you, by the aforesaid D. D. Y. Y. I. D. F. D. Y. D. and R. or by any of them iointly or seuerally, or any y, iij, iiij, v, or vj, of them, of, and concerning the said two parts or moities of the said lands, &c. with their appurtenances aforesaid: Giuing and graunting, and by these presents we do giue and graunt vnto you, or any viij, vij, vj, v, iiij, or ij, of you, (of which we

will that &c. be alwaies one) full power, iurisdiction, and authoritie, according to your wisedoms, discretions, and prouidences, to call before you all maner of witnesses, and to examine all charters, euidẽces, muniments, writings, & euery other thing else, which may be a mean to proue, fortifie, disclose, or make euident the interest, right, titles, demaund, or possession of any of the aforenamed parties, to the said two parts or moities of the said landes &c. with their appurtenaunces aforesaid, and vpon the same throughly and with mature deliberation and iudgement considered & weighed, we do giue & grant vnto you, or any viij. vj. v. iij. or ij. of you, (of which number we will that &c. be alwaies one) full power, iurisdiction, and authority to proceed to the full order, decree, definition, sentence, & finall iudgement, according to your discretions, of the interest, right, title, demand, and possession of the said two partes or moities of the said lands &c. with their appurtenances aforesaid, and to decree the possession of the premisses to him, or them, to whom of right it ought to appertaine, and his or their said possessions to maintaine: And if any of the parties aforenamed, or any other person or persons which shall haue to doe in the same matter or cause, do wilfully or obstinately withstand or disobey any processe, order, decree, sentence, or iudgement, which shall be directed or giuen in the premisses by you, or any viij. vj. v. iij. or ij. of you, (of which number we will that &c. vt supra, be alwaies one:) Then wee will and commaund you, and by vertue of these our Letters patents giue full power, warrant, and authority vnto you, or to any viij. vj. v. iij. or ij. of you, (of which number wee will that &c. be alwaies one) to commit him or them to prison, there to remaine till his, her, or their conformities shal be therein had, willing and cõmaunding you, or any viij. vj. v. iij. or ij. of you (of which we wil &c. be alwaies one) that at such times & places, as to your discretions, or to the discretiõ of any viij. vj. v. iij. or ij. of you, of which number &c. be alwaies one) shall seeme fit and conuenient, diligently to attend, apply, & with speed put in execution the effect of this our Commission, so as the complainants before named, or any of thẽ which shall haue to do therin, may not haue iust cause to make further complaint for delay or want of Iustice, willing and cõmanding you, or any viij. vj. v. iij. or ij. of you, (of which we will &c. be one) to admit no dilatorie exception to any supplication or supplications, bill or bills of complaint exhibited, or to be exhibited before you, or any viij. vj. v. iij. or ij. of you, (of which number wee will that &c. be alwaies one) or otherwise to the ouerthrowing of this our Commission: But according to our meaning herein to proceed, and to goe to the full hearing, ordering, decreeing, iudging, and determining of the right, title, and demaund of the

parties

parties aforesaid, of, for and concerning the premisses, and euerie part and parcell thereof, and accordingly to decree and iudge, as to equitie and right shall appertaine: any Act, Statute, Law, Prouision or Ordinance to the contrarie thereof notwithstanding. And therefore faile you not, if you tender our fauor: for if our said subiects D.D.P.P.J. F.W. D. and R. D. should be put from such triall of their right to the premisses, as by this our Commission we haue prouided for them, their disabilytie and want of riches, wealth, freindship and aliance considered, and of the other part of the said Lord of H. their aduersarie, being throughly furnished of all those thinges, and withall being a Lord by birth, and of great calling and authority, and inhabiting within the said Countie, where the said lands &c. doe lie, our said subiects should be in perill and danger to be without remedy at our common Lawes there, which were no small mischiefe to them. The premisses considered, we haue granted this our Commission according to the tenor aforesaid. And further we will and command you, and by vertue hereof giue full power and authoritie vnto you, or any viij. vij. vj. v. iiij. or iij. of you, (of which we will that &c. be one) that after the right, interest, title and demand decred, adiudged and determind, as is aforesaid: that you haue consideration vnto the hinderance, losses and damages, which the complainants, or any of them, as is aforesaid, haue had and sustained, by reason of the wrongfull detaining of the possession of the premisses and the said damages by you, as is aforesaid, tared and extracted, therof to cause a ful erecution and satisfaction to be had and made vnto the said complainants, and euerie of them, as is aforesaid. And for the better putting in execution of this our Commission, we wil and command the Sherife of that our said Countie of D. and all other our officers for the time being, to whom in this case it shall appertaine, that they and euerie of them be attendant vpon you, or any viij. vij. vj. v. iiij. or iij. of you (of which we will &c. be one) for the executing, fulfilling and doing of all and euerie Act and Acts, thing or things, as shall be by you, or any viij. vij. vj. v. iiij. or iij. of you (of which &c. be alwaies one) commanded, limited, or appointed. In witnesse whereof &c.

Hauing hitherto in some sort shewed the Writs of Commissions, and course of proceeding in Chancerie suits: It seemeth needfull now to expresse what Bills of Complaint, Answers, Replications, Reioinders and Surreioinders be, with diuers formes thereof, according to the causes of suit.

What a Bill of Complaint is.

A Bill of Complaint is a declaration in writing, shewing the plaintifes griefe, and the wrong which he supposeth to be done Sect. 62.

vnto him by the defendant, and what damages he ſuſtaineth by occaſion thereof, praying proces againſt him for redreſſe of the ſame, as may appeare by many examples hereafter following, whereupon Hoſtienſis hath theſe Verſes.

Quis, quid, coram quo, quo iure peratur, & à quo,
Recte compoſitus quiſque libellus habet.

And firſt the matter of euery Bill ought to be true. Secondarily, the ſame matter ought to be layd downe therein plainely and certainely in euery circumſtance of the thing, perſon, time, place, manner of doing, and other accidents. And thirdly the ſame ought to be ſufficient in law, both for the forme thereof, & for the matter, that it be ſuch as is examinable in this Court, which being otherwiſe, may be diſmiſſed thence.

Sect. 63. THe direction of all Bills in the Chancerie, muſt be at the top thereof. And when there is neither Lord Chancellor, nor Lord Keper, it is thus:

To the Kings moſt excellent Maieſtie, in his Highneſſe Court of Chancerie.

In moſt humble manner complaining, ſheweth vnto your moſt excellent Maieſty, your moſt humble and obedient ſubiect H.C. &c.

And when there is a Lord Keper, thus:

To the right Honourable Sir Iohn Puckering, Knight, Lord Keeper of the great Seale of England.

And when there is a Lord Chancellor, then thus:

To the right Honorable Sir C.H. Knight, Lord Chancelor of England.

Their other titles of Honor may be alſo added in the ſaid direction, but they are not much neceſſarie.

What an Anſwer is.

Sect. 64. AN anſwer is that which the defendant pleadeth or ſaith in Barre, to auoid the plaintifes Bill or Action, either by confeſſion & auoiding, or by denying and trauerſing the materiall parts thereof. And the title of ſuch Anſwer is thus:

The Anſwer of A.B. defendant, to the Bill of Complaint of C.D. complainant.

But if there be many defendants, then thus:

The ioint and ſeuerall Anſwers of A.B. and C.D. defendants, to the Bill of Complaint of E.F. complainant.

An Anſwer is called in Latin Exceptio, quæ dicta eſt quaſi quædam excluſio quæ interponi actioni cuiuſcunque rei ſolet, ad excludendum id quod in intentionem condemnationis iure deductum eſt, *Vlpianus.*

What

What a Replication is.

A Replication is the plaintifes speech or answer to the defendants answer, which must affirme and pursue his bill, and confesse and avoide, deny, or trauerse the defendants answer. And note, that the plaintife ought to reply the next Terme after that the defendant hath answered, else may he giue him day to reply: by which day if hee doe not reply, the defendant may procure a dismission, and get costs. Sect. 65.

Et dicta videtur Replicatio quod vel implicatam & quasi tectam exceptionis iniquitatem replicet & patefaciat: vel potius quod æquitatem actionis ab excipiente rei tectam & quasi complicatam explicet atque aperiat. Hottomanus.

And the title of a Replication is thus:

The Replication of W. P. Complainant, to the answer of R. C. Defendant.

What a Reioinder is.

A Reioinder is the answere which the Defendant maketh to the Plaintifes replication, which must pursue and confirme his answer, and not swarue from the same, and sufficiently confesse & avoid, deny, or trauerse each materiall part of the Plaintifes replication, Est autem reiunctio seu duplicatio, vel Allegatio, quæ datur reo ad infirmandum replicationem actoris & confirmandum exceptionem rei. Spieg. Sect. 66.

If the parties be not at issue, by reason of some new matter disclosed in the defendants reioinder, that requireth answer: then may the plaintife surreioine to the said reioinder, and the defendant in like manner to the surrewoinder, if there be cause, which happeneth verie seldome.

And the title of a Reioinder is thus:

The reioinder of C. A. defendant to the Replication of E. W. Complainant.

What a Surreioinder is.

A Surreioinder is a second defence of the Plaintifes action, opposite to the Defendants reioinder. And therefore Hottomanus calleth it, Triplicatio, quæ est secundæ actionis defensio contra rei duplicationem oppositæ. Sect. 67.

And thus is the title of a Surrender.

The Surreioinder of E. W. Complainant to the Reioinder of C. A. Defendant.

A Bill of complaint for entring into and making secret estates of Copyhold landes, wasting part thereof, and mingling part thereof with the landes of others, to disinherite the Plaintife by hauing the Copies thereof.

HVmbly complaining sheweth vnto your Honorable L. H. C. of B. in the County of Deuon esquire: That whereas H. C. late of Sect. 68.

H. Esquire deceased, father to your Orator, was in his life time by good and lawfull conueyance and assurance in the Law, lawfully seised to him and to his heires in fee simple, according to the customs of the Mano^r of W. in the said Countie of P. of one copyhold or customarie Mesuage or Tenement, and of certaine customaris lands, medowes, & pasture, to the quantitie of 100. acres, or thereabouts: and the said H. E. your Orators father so being thereof seised as aforesaid, and being visited with sickneese during the minority of your said Orator, by good and lawfull conueyance and assurance in the Law, and according to the custome of the said Manor of W. did conuey, assure, and surrender the said copyhold or customarie Mesuage or Tenement, and other the premisses, with the appurtenances, into the hands of A. B. the Lord of the said Manor, for the better maintenance, and to the vse of your said Orator. To haue and to hold to your said Orator, and to his heires and assignes, at the will of the Lord, according to the custome of the said Manor: by force whereof, your Honors said Orator in the Court of the said Manor paid his fine, and was of the said copyhold and customaris tenements, with the appurtenances, by the then steward of the said Manor of W. admitted tenant. But so it is, if it may please your Honor, that all the Euidences and Copies, of, and concerning the said Mesuage, lands, tenements, and premisses, being left in the hands, custodie, and possession of your Orators said father whilest he liued, in right belonging vnto your Lordships said Orator, are now by casuall and sinister meanes come to the hands and possession of one H. H. of D. in the said Countie of P. who by colour of the hauing thereof, hath wrongfully entred into the said Mesuage, lands, and premisses aforesaid, and hath made and conueyed vnto himselfe, and to others to his vse, diuers and sundry secret Estates thereof, and doth pretend wholly to disinherit your Lordships said Orator of the same, notwithstanding your said Orator hath by diuers and sundry meanes in friendly manner oftentimes sought to haue the said Euidences and Copies, and requested the same at the hands of the said H. H. and also that he would yeild vnto your said Orator the quiet possession of the said Mesuage, lands, and premisses, to whom he doth well know the same in right to belong and appertaine: Yet that to doe, he hath not only denied and refused, and still doth deny and refuse to doe the same: but of his further malice against your said Orator, he doth threaten your Orator in such sort, that your Orator for want of the said Euidences and Copies, dareth not make his iust and lawfull entry, in, and to the same: And also the said H. hath committed and doth continue daily great and outragious wastes and spoyles, in decaying of the Houses, felling downe of the Wood and Timber-trees of the premisses, to your Orators great losse

and

and vnlnherison, and contraris to all right, equitie and good conscience. In tender consideration whereof, and forasmuch as by the strict course of the common Lawes of this Realme, your L. said Orator hath not any ordinarie remedie for the obtaining and recouering of the said evidences & copies, for want of the certain knowledge of the contents and dates thereof, and what in them be contained, neither can your Orator learne against whom to commence any suit for the said messuage, lands and premisses, for that the said H. H. and others, to your Orator altogether vnknown, haue confederated themselues together against your said Orator, and haue contrived & made amongst themselues diuers secret estates & conueyances, and haue so intermingled the same, to, and with other lands, tenements & hereditaments, to, and with certaine of their owne freehold and inheritance, that your Orator knoweth not which the same be, nor how much thereof the said H. H. and other his confederates do severally hold, whereby to commence any action or suit, or make any lawful entry into, or for the same, without your Orators great danger: and yet your Orator hopeth that vpon the corporall oth of the said H. H. he will manifest such matter, whereby your Orator may the more better, easily & readily, proceed and attaine to the recouering of his iust and lawfull right & inheritance of the premisses: for the furtherance whereof, it may please your good L. to grant vnto your said Orator, his Maiesties most gratious Writ of Subpœna to be directed to the said H. H. commanding him thereby at a certaine day, and vnder a certaine paine therein to be limited, personally to be & appeare in his Ma. high Court of Chancery, there & there to answer to the premisses &c.

The Answer of H. H. Defendant, to the Bill of Complaint of H. E. Complainant.

THe said defendant saith, that the said Bill of Complaint against him exhibited into this honorable Court, is verie vncertaine, vntrue and insufficient in the Law to be answered vnto by the said defendant for diuers and sundrie apparant faults and imperfections therein contained: and deuised and exhibited into this honorable Court, partly of malice and euill will, without any iust cause conceiued against the said def. to the intent thereby vniustly to vexe and molest him with tedious trauell, being an aged man, and to put him to great expences, being verie poore: but chiefly to the intent and purpose to wearie, impouerish and terrifie him this defendant: Neuertheless, if by the order of this honorable Court, this defendant shall be compelled to make any further or other answer vnto the said vntrue, vncertain and insufficient Bill of Complaint, then and not otherwise the aduantage of exception Sect. 69.

thereof to this defendant, at all and euerie times and times hereafter sa-
ued, for further answere thereunto, and for a full and plain declaration
of the truth, touching so much of the materiall content of the said bill,
as in any sort concerneth this defendant, He for himselfe saith, That
whereas the said complainant in his said bill aleageth, that one H. E.
his father deceased, was in his life time by good and lawfull conueiance
and assurance in the Law, lawfully seised to him and his heires in fee
simple, according to the customs of the said Manor of W. in the said
bill mentioned, of one copihold or customary messuage or tenement, and
of certaine customarie lands, medowes and pastures, to the quantitie
of an hundred acres, or thereabouts: and that he being thereof so seised
and visited with sicknesse, during the minority of the said complainant
by good and lawfull conueyance and assurance in the Law, and accor-
ding to the custome of the said Manor of W. did conuey, assure and
surrender the same copihold or customarie messuage or tenement, and
other the premisses, with the appurtenances thereunto belonging, for
his better maintenance, to the vse of the said complainant. To haue
and to hold to the said complainant, and to his heires and assignes, at
the will of the said Lord, according to the custome of the said Manor:
And that by force thereof, the said complainant in the Court of the said
Manor paid his fine, and was of the said copihold or customarie tene-
ments with the appurtenances, by the then Steward of the said Ma-
nor of W. admitted tenant. He this defendant saith, that to his
knowledge, the said H. E. late father of the said complainant, was ne-
uer either lawfully seised to him and to his heires, according to the cu-
stome of the said Manor of W. of the said tenements and premisses in
the said Bill mentioned, by any good and lawfull conueyance and assu-
rance in the Law, according to the custom of the said Manor: Nor did
euer conuey, assure and surrender the said customarie tenements and
other the premisses, to the vse of the said complainant, his heirs and as-
signes: neither did the said complainant euer pay his fine for the same
vnto the said Court, neither was he euer lawfully admitted tenant there-
of, as he the said complainant in his said Bill vntruly pretendeth. And
whereas the said complainant in his said Bill also pretendeth, that the
euidences and copies, of and concerning the said messuage, lands, tene-
ments and premisses, being left in the hands, custodie and possession of
the said complainants father whilest he liued, in right belonging vnto
this complainant, are now by casuall meanes commen to the handes
and possession of this defendant, and that he by colour of the hauing
thereof, hath wrongfully entred into the said messuage, lands and pre-
misses aforesaid, and hath made and conueied to himselfe, and to others
to his vse, diuers and sundrie secret estates therein, and doth pretend

thereof

thereof wholly to disinherit the said complainant. This defendant saith, that none euidences or copies, of, or concerning the said messuage, tenements and premisses, are by casuall meanes, or otherwise come to the handes or possession of this defendant, and that by colour of hauing thereof, he this defendant, neither wrongfully entred into the said messuage, tenements and premisses, nor any part thereof, neither hath he this defendant conueyed, to himselfe, or to any other person to his vse, diuers and sundrie, or any secret estates therof, neither doth he pretend thereof wholy to disinherit the said complainant, as in the said Bill it is vntruly alleaged: without that, that the said complainant by diuerse and sundrie meanes in freindly maner hath oftentimes sought to haue the said euidences and copies, and requested the same at the handes of this defendant: and also that he would yeld vnto your said Orator the quiet possession of the said messuage, tenements and premisses, or that he this defendant doth well know the same, in right to belong vnto him the said complainant, as in the said Bill it is vntruly alleaged: and without that, that he this defendant of malice against the said complainant doth threathen him the said complainant, in such sort, that he for want of the said euidences, dareth not make his iust and lawfull entrie or clame, to and in the same premisses, or that he the said defendant hath or could commit, or doth or can continue daily committing great and outragious wastes and spoiles, in decaying of the houses, and felling downe of the woods and timber trees of the premisses, to the great losse and disherison of the said complainant, and contrary to all right, equity and good conscience, as in & by his said Bill of complaint he hath most vainely and vntruely alleaged. For touching the said supposed threats this defendant saith, that he is a verie feeble poore old quiet man, verie desirous of the fauor and good will of all men, and therefore neither willing nor able by his threats to terrifie or feare the said complainant, being a gentleman of worship, power and lining, hauing many kinsfolks, alies, freindes and seruants, so that he this defendant, hath rather iust cause to be afraid of the said complainant, then the said complainant to feare him. And further touching the said wasts and spoiles, this defendant saith, that the said customarie or copihold lands in W. aforesaid, are holden of the Mano^r of W. aforesaid. And without that, that the said complainant hath, or euer had any lawfull title to commence any action or suit, or to make any entrie, against or vpon this defendant, for any lands, tenements or hereditament, in the said Bill of complaint mentioned, as it is therein vntruely alleadged: and without that, that this defendant can vpon his corporall oth manifest such matter, whereby the said complainant may the more better, easily and readily proceed and attain to the recouering of any iust or lawfull right or inheritance

or

or in any other maner then in this answer is set down, as the said complainant vnwisely gheseth, and most vainely hopeth, as he in his said Bill alleageth: And without that, that any other matter, thing or things, clause, sentence, article or allegation in the said Bill of Complaint contained, materiall or effectuall in the Law to be answered vnto by this defendant, and not herein confessed and auoided, denied or traversed, is true. All which matters this defendant is readie to auer and prooue, as this honorable Court shall award: And therefore prayeth to be dismissed out of the same, with his reasonable costes and charges in this behalfe wrongfully and without cause sustained.

The Replication of H. E. Esquire complainant, to the Answer of H. H. defendant.

Sect. 70. THe said Complainant for Replication saith, that he will auerre maintaine and iustifie, his said Bill of complaint, into this honorable Court exhibited, and euerie matter and thing therein contained, to be certain, true and sufficient in the Law to be answered vnto by the said defendant, and not demised & exhibited into this honorable Court of any malice or euill will, but vpon iust cause conceiued against the said defendant, as the said defendant in his answer vntruly hath alleged. And for further Replication saith, that the said H. E. late father of this repliant, was lawfully seised to him and to his heires, according to the custom of the said Manor of W. of the said tenements and other things in the said Bill mentioned, by good and lawfull conueyance and assurance in the Law, according to the custom of the said Manor: And did conuey, assure and surrender, the said customaris tenements and premisses to the vse of the said repliant and of his heires, and the said complainant did pay his fine therefore, and was lawfully admitted tenant therof, as he the said complainant in his said Bill verie truly pretendeth. And also he saith, that the euidences and coppies, of, and concerning the said tenements and premisses, are come to the hands of the said def. and that by colour therof, the said def. hath wrongfully entred into the said messuage, tenements and premisses, and hath conueyed to himselfe and to others to his vse, diuers and sundrie secret estates therin, as in his said Bill of complaint is also most truly declared: and that the said complainant hath oftentimes sought and requested to haue the said writings, coppies and euidences at the hands of the said defendant: and also that he would yeld vnto him the quiet possession of the said messuage and premisses: and also that the said def. hath & still doth commit, and continue daily committing great & outragious wastes and spoiles, in decaying of the houses, and felling downe of the woods and timber trees of the premisses, to the losse & disherison of him this complainant,

nant, as in the said Bill of Complaint is truely alledged: And without that, that any other matter or thing contained in the said Answer, materiall or effectuall to be replied vnto, and not herein sufficiently confessed or auoided, trauersed or denied, is true. All which this complainant is readie to auer and proue, as this honorable Court shall award. And prayeth as he before in his said Bill of Complaint hath prayed.

A Bill to stay suit at the common Law vpon an Obligation, because the money is satisfied in diuers payments and reckonings.

IN most humble wise complaining, sheweth to your good Lordship Sect. 71.
Fr. M. That whereas one H. B. of D. in the Countie of D. Esquire now deceased, hauing many daughters to aduance, which were then but of tender yeares, did about 21. yeares now last past, make his last Will & Testament in writing, & by the same did giue & demise amongst diuers and sundrie other legacies amounting to a very great value, the sum of C. li. to A. one of his daughters, and of his said last Will & Testament did nominate, constitute and appoint your said Orator, and one G. R. Esquire being his neere kinsman, and assured good freind his executors: but also did commit the gouernement and education of his said children vnto them, and after died. By, & after whose decease, and before the probat of the said last Will & Testament, the said R. died: by reason whereof your said Orator alone proued the said Will, and toke vpon him the execution of the same, and afterward one J. W. being a man very basely borne, & of very little credit, did without the priuitie, consent, or good liking of your said Orator, or of any other to whom the said H. B. had committed the gouernment and education of his said children, contract himselfe with the said Anne, and with her did marry: After which marriage, albeit your said Orator greatly misliked therewith, & that the said H. B. had bequeathed vnto the said Anne but the summe of C. li. yet your said Orator, in respect of the neere alliance betweene him & the said children, & to the end they should liue in the better credit & account, was amongst the rest contented to bestow on the said Anne C. li. more then her said father bequeathed vnto her: & thereupon, at the speciall request & earnest suit of the said J. W. and the said Anne then being his wife, and for their better credit, aduancement, and preferment, did not onely presently pay and deliuer to the said J. W. in readie money the summe of L. li. parcell of the said summe of C. li. so bequeathed to the said A. his wife, as is aforesaid, but also became bound vnto the said J. W. in the summe of C. pounds, for the payment of L. pounds more, at certaine times in the Condition of the said Obligation mentioned, which amounted to the full summe of C. pounds, so bequeathed as is aforesaid to the said A.

And-

And then also became bound vnto the said I. W. in one other bond, in the summe C. C. li. for the payment of C. li. at certaine times in the condition of the said Obligation limitted, which your said Orator of his owne liberality, and for the aduancement of the foresaid Anne, gaue vnto her sithence: Which bonds so made, the said I. W. hauing had many occasions to vse money, hath often made meanes to your said Orator, to relieue his necessitie therein, before such time as the same summes or any of them grew due vnto him, to be paied by the said seuerall obligations, by reason whereof your said Orator about the first day of July in the first yeere of his Maiesties reigne that now is, payed and deliuered vnto the said I. W. the summe of l. li. more in part of payment and satisfaction of the said summe of C. l. li. growing by the said two seuerall obligations, wherein your said Orator standeth so bound, as is aforesaid: and your said Orator likewise paied and deliuered vnto the said I. W. at such times as the said I. W. hath demanded the same diuers seuerall summes of money, amounting in the whole to the sum of lxx. li. vij. s. which the said I. W. hath accepted in part of payment of the said summe of C. l. li. and which the said I. W. knoweth to be true, and also your said Orator hath payed by the hands of F. B. to the said I. W. and in discharge of some debts due by the said I. W. and by his appointment at seuerall times, the summe of lxx. li. vj. s. viij. d. which the said I. W. hath also accepted in part of payment of the said summe of one hundred and fiftie pounds, which said seuerall summes the said I. W. hath from time to time accepted, as in part of payment, and discharge of the said sum of Cl. li. And your said Orator also standeth bound for the onely debt and dutie of the said I. W. for the payment of twentie pounds more vnto I. P. esquire, which your said Orator alwaies hath bin, and yet is ready to pay for the said I. W. when he shall be thereunto required, so that your said Orator, hath in the whole paied and satisfied vnto the said I. W. and in discharge of the debts of the said I. W. the full sum of one hundred foure score and eight pounds and more, which is more than your said orator neded to haue paid vnto him as any money due vnto the said Anne, wife of the said I. W. for the said I. W. doth very well knowe, that the said H. B. did not deuise or bequeath any more vnto the said Anne, than the summe of one hundred pounds. And doth also very well knowe, that hee hath diuerse and sundrie times, vpon the receipt and payment of the said seuerall summes, not onely confessed the receipt of the same, but also faithfully promised vnto your said Orator, that he would cancell and deface the said Obligations. Yet notwithstanding, so it is, if it may please your good Lordship, that albeit the said I. W. doth very well know, that your

said

ſaid Orator hath fully ſatiſfied and payed vnto him the ſaid ſumme of 100. pounds, bequeathed by the ſaid H. B. vnto the ſaid Anne, and hath alſo fully ſatiſfied and payed vnto him 88. ponnds and more, parcell of the ſaid 100. pounds, which your ſaid Orator gaue vnto the ſaid Anne of his owne free liberalitie, for the aduancement of the ſaid A. and that the ſaid Obligations, viz. one of 100. pounds, for the payment of 50. pounds, and one other Obligation of 200. pounds, for the payment of 100. pounds, which your ſaid Orator became bound in, vnto the ſaid I. W. were for the ſelfeſame debts, which your ſaid Orator hath at ſeuerall payments, as is aforeſaid, payed vnto him in diſcharge, and in part of ſatiſfaction of the ſaid ſeuerall Obligations, ought in all right, equitie, and good conſcience, to be cancelled and defaced, vpon the payment of the reſidue of the ſaid ſummes which is behind, & which your ſaid Orator is ready to pay, yet he the ſaid I. W. hauing a very greedie and couetous diſpoſition to enrich himſelfe, albeit he doth very well know the ſaid ſeuerall Obligations to be in effect fully ſatiſfied and diſcharged, as is aforeſaid, and that he hath not at any time beene any thing damnified by the forbearing of the ſaid ſeuerall ſummes, yet hath he now lately commenced ſuit vpon one of the ſaid Obligations, in his Maieſties Court of Kings Bench, and vpon the other Obligation, in his Maieſties Court of Common Pleas, meaning to take the whole forfeiture of the ſaid ſeuerall Obligations againſt your ſaid Orator, in that your ſaid Orator did not in truth alwayes pay vnto him the ſaid ſeuerall ſummes, according to the condition of the ſaid Obligations, but did alwayes pay the ſame at ſuch times as the ſaid I. W. had occaſion to vſe it, and as he did at any time demaund it, and doth with all the expedition he can, and with the moſt hardneſſe that he may vſe, ſeeke to recouer the penalties of the ſaid ſeuerall Obligations againſt your ſaid Orator, contrarie to all right, equitie, and good conſcience, and to the great hurt and hindrance of your ſaid Orator. And albeit your ſaid Orator hath diuerſe and ſundrie times earneſtly required of the ſaid I. W. not onely to cancell and deface the ſaid Obligations, vpon the payment of the reſidue, and ſurceaſe his ſeuerall ſuites commenced vpon the ſame: yet that, or any of them to doe, he hath denyed and refuſed, and ſtill doth denie and refuſe, contrarie to all right, equitie, and good conſcience: In conſideration whereof, and foraſmuch as your ſaid Orator hath no good matter to plead in Barre of the ſaid ſeuerall Actions, by courſe of the Common Lawes, in that albeit he hath in truth payed and ſatiſfied the ſaid ſeuerall ſummes, in ſuch ſort as the ſaid I. W. hath himſelfe contented therewith, yet can he not make any proofe of the payment of the ſame, according to the conditions of the ſaid ſeuerall

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Obligations: And for that also the said I. W. hath not in any sort bin damnified by the forbearing of the said summes of money, or any part thereof, and yet if he had, forasmuch as your said Orator hath fully paied vnto him fourescore and eight pounds more then he ned to haue paied, and that of his owne liberalitie, there is now no reason why he should seeke by rigor of Law to take the forfeiture of the said seuerall Obligations, albeit it were true, that the same were not fully satisfied and discharged in such sort as they ought to be: May it therefore please your good Lordship, to graunt vnto your said Orator the K. Maiesties most gracious seuerall Writs of Subpœna and Iniunction to be directed to the said I. W. not only straitly charging and commanding him by the same, at a certaine day, and vnder a certaine paine therein to be contained and limitted, personally to appeare before your good L. in the Kings Maiesties most high Court of Chancerie, then and there to answere to the premisses, but also inioyning him by the same, his Counsellors, Atturneyes, and Solicitors, to stay and surceasse the said seuerall Suites, and no further to proceed in the same, vntill other order shal be therein taken by your good L. And your said Orator shall pray for your good L. in honor long to endure.

A Bill for the detaining of a lease for yeares, and taking the profits of the lands leased, and secret taking of a Cow distrained and impounded by the plaintife out of the pound, and charging him with the eloining of the same Cow.

Sect. 73.

HVmbly complaining, sheweth to your good L. your daily Orator N. C. of H. in the Countie of D. Gentleman. That whereas one L. E. of H. afore said Gentleman, was lawfully seised in his demesne, as of fee, of and in diuers and sundry lands, tenements, hereditaments with the appurtenances, set, lying and being in H. afore said, And he so being thereof seised about the twentieth day of May, in the first yeare of the reigne of our Soueraign Lord the Kings Maiestie that now is, at H. afore said, for and in consideration of a certaine sum of money to him by the said N. C. well and truly contented and paid, and by indenture of lease, the certaine date whereof your said Orator knoweth not for that he hath not the said Indenture, did demise, grant, set, and to farme let the same vnto the said N. and his assignes, for and during the full end and terme of two yeres then next following. By force whereof your said Orator was thereof lawfully possessed, vntill about the second yeare of the raigne of the Kings Maiestie that now is, K. E. W. G. N. T. R. W. W. F. W. E. and K. his wife by vnlawfull meanes hauing obtained and gotten into their handes, or into the handes of some of them, the said Indentures, confederating themselues together of purpose,

purpose, to wrong your said Orator, and to expel & put him frō his lawful and quiet possession of the premisses, or the greatest part therof, entred into one parcell of the premisses called B. fields, being then sowed with oats by your said Orator, and at the same time put in one cow and heyfer, very maliciously to depasture and eate the grain and corne of your said Orator therein then growing, which said cow and heyfer, was, and remained there depasturing, eating, and treading downe the said graine and corne, vntill your said Orator came & distrained the said cowe and heyfer for damage there doing, and impounded the said cow and heyfer in a pound ouert, at Y. aforesaid, as lawfull was for him to do, shortly after which impounding of the said cow and heyfer, that is to say, vpon the xy. day of Septem. the said R. W. W. F. W. E. and R. his wife repaired vnto the dwelling house of your said Orator at Y. aforesaid, and then and there required your said Orator to deliuer the said cow and heyfer forth of the said pound, affirming that they were sent thither to that intent and purpose by the said R. B. W. G. and N. T. which to doe your said Orator refused, as lawfull was for him to do, because the said W. F. E. and R. his wife, nor any of them, did then and there tender vnto your said Orator, any amends or satisfaction, for, or towards the said trespasse: But so it is if it may please your good Lordship, that about eleuen or twelue of the clocke in the night of the said xy. day of Sept. the said cow and heyfer was conueyed forth of the said pound, (the doore or gate of the saide pound being fast locked) by the said R. B. W. G. N. T. R. W. W. F. W. E. and R. his wife, or some of them, as your said Orator verilie thinketh, and is perswaded in conscience, sithence which time, the said B. G. and T. haue most falsely and vnconscionably charged, and still charge your said Orator for the esloyning and conueying away of the said cowe and heyfer, and haue thereupon not onely commenced suit against your said Orator at the common Lawe, but also by colour of hauing the said Indenture, haue made and contrined vnto themselues, or some of them, or to some other persons, to their, or some of their vses, sundry secrete estates of the premisses, and do yet most wrongfully detaine, and withhold the possessions of a great part of the premisses from your said Orator, to his great hurt and impouerishment: And forasmuch as your said Orator hath not any ordinarie remedie by the due course of the common Lawes of this Realme, for the recouerie of the said Indenture, for that he knoweth not the certaine date or contents thereof, nor wherein the same is conteyned: And so thereby not onely very like to lose his lawful and rightful possession, of, in, and to the premisses, but also standeth in great danger to lose great damages for the supposed esloyning of the said cowe

and

and Heyfer, vnleſſe it pleaſe God, as your ſaid Orator hopeth it will, to moue the hearts of the ſaid W.G.E. Wil. F.E. and R. his wife, vpon their anſwers and othes in this honorable court, to diſcouer & diſcloſe the trueth of their euill dealing and diſorder in breaking of the ſaid pound, and taking forth of the ſaid Cow and Heyfer, conueying them to vnknowne places, of purpoſe to charge your ſaid Orator therewith. And forasmuch as they haue denied and refuſed, & yet do refuſe and denie, either to permit or ſuffer your ſaid Orator quietly to haue and take the iſſues and profits of the ſaid premiſſes, or to deliuer vnto him the ſaid Indenture of leaſe, although hee hath oftentimes moſt gently, and friendly required and deſired them ſo to do: It may therefore pleaſe your good Lordſhip &c. As before is ſaid in Sectio 61.

The anſwer of the ſame Bill.

Sect. 73. THe ſaid defendants ſay, and either of them for himſelfe ſeuerally ſaith, that the ſaid Bill of complaint is very vncertaine, vntrue, and inſufficient in the Law to be anſwered vnto by theſe defendants, or any of them for diuerſe apparant faults and imperfections therein contained, and the ſame very friuolous, as theſe defendants think, for ſundry cauſes, and namely for that, that it is thereby ſuppoſed, that they and others, by reaſon of hauing the cuſtody of the ſaid ſuppoſed indenture or leaſe pretended to be made by the ſaid T.E. in the ſaid bill named to the ſaid complainant of the ſaid demeſne lands of the Highlow aforeſaid, for 7. yeares now ended, if any ſuch were, haue made or contriued vnto themſelues, or to ſome other perſons, and to their vſes, ſundry ſecret eſtates of the premiſſes, where if any ſuch eſtates had bin made, they be already determined. And the ſaid defen. further ſay, that as they verily thinke by the ſcope of the ſaid bill, containing in it ſelfe much like matter, ſet out with many words, and in effect no matter worthy to be examined in this honorable Court, the ſame bill is deuiſed and exhibited into this honourable Court, of meere malice and euill will, to the intent to moleſt and trouble theſe defendants, and others in the ſame bill named being quiet poore men, dwelling almoſt ſeuen ſcore miles from the Citie of W. with long and tedious iornies to make their perſonall appearance in this honourable Court, to anſwere the ſaid friuolous and vntrue bill, without any good or iuſt cauſe ſo to doe. That auantage of exception to the manifeſt incertaintie and inſufficiencie of which vntrue bill of complaint to theſe defendants, and either of them ſaued, for anſwere thereunto, they, and either of them for himſelfe ſeuerally ſaith, that they thinke it to be true, that the ſaid T. E. of H. in the ſaid bill named, was lawfully ſeiſed in his demeſne, as of fee, or fee taile, of, and in diuerſe lands, tenements, and here-

hereditaments, with the appurtenances, ſet, lying, & being in H. afore-ſaid, and that he being thereof ſo ſeiſed about 2 yeres now laſt paſt, did demiſe, grant, ſet, and to farme let the ſame vnto the complainant for 2 yeres, as it is in the ſaid bill alleaged, without that, that theſe defendants of purpoſe to expel the ſaid complainant from his lawfull poſſeſſion of the premiſſes, or the greateſt part thereof entred into the ſaid parcell of the premiſſes, being ſowen with oates, by the ſaid complainant, or at the ſame time put in one cow, and one heifer, very maliciouſly to depaſture and eat the graine and corne of the ſaid complainant growing therein. Or that the ſaid cow and heifer to theſe defendants knowledge, remained there depaſturing, eating, or treading down the ſaid graine and corne, vntill the ſaid complainant came and diſtrained the ſaid cow and heifer, for damage there doing, and impounded the ſaid cow and heifer in a pound ouert at H. aforeſaid, to their knowledge, as in the ſaid bill is very vntruely alleaged. And without that, that ſhortly after the ſaid impounding of the ſaid cow & heifer, that is to ſay, the 11. day of S. the ſaid R. W. W. F. W. E. and R. his wife, by the knowledge of the ſaid defendants, or either of them, repaired vnto the ſaid dwelling houſe of the ſaid complainant, at H. aforeſaid, and then and there required the ſaid complainant to deliuer the ſaid cow and heifer forth of the ſaid pound, affirming, that they were ſent thither to that intent and purpoſe by theſe defendants, and the ſaid R. T. in the ſaid bill named, as in the ſaid bill is vntruly alleaged. And without that, that to theſe defendants knowledge there was any ſuch cauſe, that any amends ſo ſhould haue bene tendered vnto the ſaid complainant, for, or towards the ſaid ſuppoſed treſpaſſe. Or that about 11 or 12 of the clocke in the night of the ſaid 11 day of Septemb. the ſaid cow and heifer, were conueied forth of the ſaid pound by theſe defendants, or either or them, or that theſe defendants, or either of them, haue vnconſcionably charged the ſaid complainant, for the eſloyning and conueying away of the ſaid cow and heifer, or thereupon commenced any ſuit againſt the ſaid complainant at the common law, as in the ſaid Bill is very vntruely alleaged, for they theſe defendants verily thinke, that there was neuer any ſuch cow and heifer, ſo as is aforeſaid, diſtrained, and without that that theſe defendants by colour of hauing of the ſaid Indenture in the ſaid Bill mentioned, haue made and conueied vnto themſelues, or to any other perſon or perſons to their vſes, any ſecret eſtate of the premiſſes, or any part thereof, or doe wrongfully detaine and withhold the poſſeſſion of a great or any part of the premiſſes, from the ſaid complainant, as in the ſaid Bill of complaint it is likewiſe vntruely alleaged. And without that, that theſe defendants, or either of them, haue denied and refuſed, or yet

doe deny or refuſe, either to permit or ſuffer the ſaid complainant quietly to haue and take the iſſues and profits of the premiſſes, or deliuer vnto him the ſaid ſuppoſed Indenture or leaſe, as in the ſaid bill is vntruely ſurmiſed, for theſe defendants ſay, that to their knowledge they neuer ſaw nor heard read any Indenture or leaſe. And without that, that any other matter, thing or things &c.

A Bill to be relieued for Obligations made for Simony.

Sect. 74. In moſt humble wiſe complaining, ſheweth vnto your honourable L. your daily Orator W. C. Parſon of L. in the countie of Y. That whereas about fiue yeres now laſt paſt, W. by the permiſſion of God, now Biſhop of L. and C. was lawfully ſeiſed of the aduowſon of the vicarage of D. in the countie of D. as of one in groſſe, by it ſelfe, as of fee in right of his B. aforeſaid, and vnto the ſame vicarage being vacant, did preſent your ſaid Orator his Clerke, who was afterwards admitted, inſtituted, and inducted into the ſame accordingly: which vicarage afterwards by reſignation into the hands of the ſaid B. to preſent againe to the ſame, as the very true patron thereof, became void. And afterward your Orator became an humble ſuter vnto the ſaid B. in the behalfe of one R. W. Clerke, that it ſhould pleaſe him to preſent the ſame R. W. to the ſaid vicarage, which after long ſuite, it being firſt agreed betweene your ſaid orator and one C. D. with the knowledge and conſent of the ſaid B. that your ſaid orator in reſpect of the ſaid preſentation and admiſſion of the ſaid R. W. that there ſhould a certaine ſumme of money, amounting as your ſaid Orator thinketh, to the ſumme of thirtie pounds, to be paid at certaine daies then betweens them agreed vpon, for the paiment thereof, and that for true paimẽt of the ſaid ſumme at the ſaid daies, your orator ſhould become bounden vnto the ſaid C. D. by ſeuerall obligations, whereupon afterwards, that is to ſay, the 20 day of J. which was in the 28 yere of the raigne of the Quenes moſt excellent Maieſtie that now is, your ſaid Orator for the onely conſideration aforeſaid, and for the onely benefit of the ſaid R. W. aforeſaid, became bounden vnto the ſaid C. D. in foure or fiue ſeuerall obligations, videlicet, by ſome obligations in the ſummes of 20 li. or thereabouts, for the paiment of 10 li. and in ſome other, in other ſummes for paiment of 5. li. or thereabouts, at the ſaid daies and times, betweẽ them ſo as is aforeſaid agreed vpon, and thereupon the ſaid R. W. for the ſaid conſiderations was inſtituted and inducted into the ſaid Vicarage accordingly: which bonds were ſo made by your ſaid orator in hope, and vpon the faithfull promiſe of the ſaid R. W. would haue paid and diſcharged the ſaid ſeuerall

ſummes

summes of money at the said daies, according to the seuerall conditions of the said obligations: but now, so it is, that if it may please your honourable Lordship, that the said R. W. though oftentimes by your said Orator required hath not paid the said seuerall summes of money, nor any of them vnto the said C. D. according to the said seuerall obligation, and according to the said agreement, & his said promise in that behalfe made, as is aforesaid: by meanes whereof, the said obligations, or the most part of them bein forfeited, and your Orator already thereupon impleaded in her Maiesties court, called the Kings Bench, and by reasons of the said obligations, or some of them, very like speedily to be condemned thereupon, if by your L. gracious meanes he be not speedily relieued, the which said practises are much against all right, equitie, and good conscience, and to the great damage, losse, and hinderance of your said Orator. In tender consideration whereof, and forsomuch as the said promise of R. W. and the said agreement for the payment of the said seuerall summes of mony, being matters of corruption and vnlawfull simonie, were so closly and secretly wrought and contriued amongst them, that your said Orator is not able to make any such due proofe thereof, as the strict course of the common Lawes of the Realme in this behalfe requireth, and so your L. said Orator is vtterly without remedy by the common lawes to auoid the said bond, or to make proofe of the said assumption and promise of the said R. W. though the same be so well knowne vnto the said Bishop, and the said C. D. his sacor, procurator, for such contracts of simonie, and also to the said R. W. that your Orator verily thinketh, they will vpon their answers hereunto in this honourable Court, vpon their corporall othes, if they be not altogether blinded with extreame couetousnesse, confesse the truth to be, as is aforesaid. It may therefore please your honourable Lordship to grant vnto your said Orator her Maiesties most gracious writ of Subpœna, to be directed vnto the said W. B. and vnto the said C. D. and R. W. thereby commanding them, and euerie of them, at a certaine day, and vnder a certaine paine therein to to be limited by your Lordship, to be, and personally to appeare before your honourable Lordship in her Maiesties most high court of Chancerie, then & there to answer vnto the premisses, and to abide such further order and direction therein, as to your hon. L. shall seeme to stand with right, equitie, and good conscience, & also to grant vnto your said Orator her Maiesties most gratious writ of Iniunction to be directed vnto the said C. D. thereby commaunding and inioyning him, and all his Counsailors, Solicitors, and Atturneies, to stay his said suits and proceedings against your said Orator, at, and by the common lawes, vntill the premisses shall be heard and determined, or otherwise

ordered in this honorable Court. And your said Orator shall daily pray vnto Almighty God for the preseruation of your honorable Lordship, in good health long to continue.

A Bill for boording.

Sect. 10. HVmbly complaining, sheweth vnto your Lordship your daily Orator F. W. of R. in the countie of L. gentleman: That whereas about foure or fiue yeares since, one E. C. then the widow of W. C. and now wife to R. H. of M. in the county of L. yeoman, very earnestly and instantly required of your said Orator, not onely for her selfe and her sonne to be tabled or boorded at the house of the said complainant, but also to haue house rome for continuall abode & lodgeing with him like wise, promising liberally and fully to recompence both the cost and trouble, which you said Orator, or his houshold should sustaine therein, vpon hope of which promise and agreement, your said Orator did to the full requeſt and satisfaction of the said E. table and lodge the said E. and her sonne, being of the age of seuen yeares or thereabouts, during her widowhood, by the spate of two yeares at the least, ended about the Annunciacion of the virgin Mary, in the 20. yere of the M. Maiesties raigne, about which time the said E. tooke to husband the said R. H. after which mariage, vpon like promise & agreement which the said R. your said Orator did like wise boord, or table and lodge in his house the said R. and E. her sonne, and a seruant, by the the space of one whole yeare and a halfe, ended about May day last past, during which time also the said R. put you said Orator to great charge and trouble, with diuers horse, as well kept in the houses of your said Orator, and at his cost, as also abroad in his closes and pastures, notwithstanding all which costs, troubles, and charges of your said Orator: How so it is, if it may please your Lordship, that the said R. and E. being departed from the house of your said Orator, craftily, deceitfully, and vnconscionably, refuse vtterly, and deny to giue any recompence or consideration to your said Orator for their meat, drinke, lodging or other charges, contrary to all humanity, equity, and right. In tender consideration whereof, & for that your said Orator is without all helpe by the strict order & course of the common law, for that for the said tabling, lodging, & charges, there was no certaine time, nor no certaine summe of mony agreed vpon amongst the said parties, nor promised by the said R. & E. and that also the said agreement was betweene themselues only without any witnesse. May it please your L. to grant vnto your said Orator the Maiesties writ of Subpœna, to be directed to the said R. and E. and your said Orator shall daily pray for your good Lordship &c.

A

A Demurrer for double vexation.

The Demurrer of R. and W. defendants to the Bill of G. W. complainant.

THe ſaid Defendant by proteſtation, not confeſſing or acknowledging any thing in the ſaid bill alleaged, materiall againſt this Defendant to charge him to be true, but rather deuiſed and ſet forth only of purpoſe to put this def. to wrongfull veration, coſts, charge, and erpences in the law, for that before this time, that is to ſay, about the terme of Eaſter, in the 25 yeare of the raigne of our ſoueraigne Lady the Maieſtie that now is, the ſaid compl. vnto this hon. Court of Chancerie, exhibited againſt this defendant a Bill, containing in effect the ſame matter which is alleaged in the Will now exhibited, differing onely in forme, but nothing in ſubſtance, ſauing by adding ſome fiue acres, as the number of foure or fiue, as eſtimating one cloſe in this Will at foure acres, in the former eſtimated but at two, or thereabouts, and another cloſe in this Will now exhibited, at three acres, in the former eſtimated at two, or thereabouts, and putting ſome acres to ſome other cloſes, the which before were ſet downe without limitation or naming of any acres at all, being the ſelfeſame cloſes and meſuage in the former Will expreſſed, vſed, and occupied by the ſame title and name, and the ſame number of acres, now put in more of purpoſe, to giue the ſame compl. ſome colour to exhibite this Bill, as though it were a new matter, although indeed it be nothing ſo. To which former bill this def. anſwered, and thereto the ſaid compl. replied, and this def. reioyned and ſo diſcended to Commiſſion, wherein this defendant ioyned with the ſaid complainant, and named Commiſſioners for himſelfe, as the ſaid compl. named others for himſelfe, and this defendant then bare halfe the charges of the ſame commiſſion, as in ſuch caſes is vſed. And when the time came, that the ſame commiſſion was to be ſitten on, the ſaid compl. forſlowed the ſame, neither gaue any warning to this defendant, nor laboured his owne Commiſſioners, that this defend. euer heard of, to meete for the execution of the ſame, but ſuffered the ſame to ſtay by the ſpace of fiue or ſix termes, or thereabouts, as this def. remembreth: whereupon this def. for his owne expedition at his own coſts and charges, procured a commiſſion for examination of witneſſes in the matter directed to the ſelfe ſame Commiſſioners that the former Commiſſion was, and gaue notice thereof to the ſaid compl. and to one of his Commiſſioners, who agreed to meete at the day and place appointed, where this def. was preſent with his Commiſſioners and and witneſſes, and one of the ſaid complainants Commiſſioners was in the towne where the place was appointed the ſame day and time Sect. 77.

readie to haue executed the said Commission, if the said compl. would haue spoken to him therefore, as this def. was credibly informed, and the said compl. was there present at the same time and place, and did, or might haue spoken with him that was named Commissioner for him, who hath a dwelling house in the same towne, being the towne of H. in the same countie: and then and there the deponents vpon this def. behalfe were sworne and examined by and before these defen. then Commissioners, and some of them sworne in the presence of the said compl. And thereupon the depositions and examinations of the witnesses so sworne, were by these defendants, then commissioners, caused to be ingrossed in parchment, and certified into this hon. Court, and afterwards published, and after publication, this def. staied without doing any thing therein by the space of two termes, or thereabouts, during which time the said compl. did or said nothing at all in the said court touching the said suit, that this def. euer heard of. And then this def. caused the said depositions to be exemplified vnder the great seale of Engl. to his great charges, which he hath ready to shew to this ho. Court. And the said compl. being not contented with these causelesse verations of this def. Anone after that this complainant had obtained the said commission, the said compl. for this defendants further veration, commenced suit against this def. in the Ecclesiastical court of the Archb. of Yorke, within whose diocesse the same lands and tenements in N. in the bill mentioned be, and where the said father of this compl. and def. died, vpon surmised matters touching the supposed Will mentioned in the said bill, whereupon this defendant to his great charges appeared and answered as behoued for the time, by himselfe and his proctor, as is there vsuall, which suite the said compl. relinquished also, as this def. thinketh, for he hath heard nothing thereof these 17. moneths and more. And now the said compl. meaning nothing els but this def. trouble and molestation, hath renued the said suit in this H. Court againe, which before he had in the same Court by the said first bil, conteining the same matters in effect, and almost word for word, as in the same bill is mentioned, whereunto this def. hath already answered, as appeareth by the same answer remaining of record here in this Court; and the same proceeded vpon both, as is aforesaid: wherefore this def. for the causes aforesaid, and for the said double veration in this hon. court by two bils, conteining in effect but one matter in substance demurreth in law, and praieth, that he this def. may be dismissed out of this hon. court with his reasonable costs and charges in this suit wrongfully sustained.

A

A Bill for not surrendring a lease made by the Plaintife to the Defendant in trust, to trie a title, and for occupying, and wasting the tenth demised, and for detaining of writings of copyhold lands contrary to their agreement.

HUmbly complaining, sheweth vnto your Lordship, your daily Sect. 77.
Orator I.B. of W. in the countie of Y. yeoman, That whereas about fortie yeares now last past, one W. P. yeoman was lawfully seised in his demesne, as of fee, of and in one messuage, with the appurtenances in C. in the countie of P. and of, & in diuers lands, tenements medows, pastures, & hereditaments thereunto belonging, being freehold land in C. aforesaid, & Y. in the said countie of P. & he being thereof such estate so seized about the first yeare of the raigne of the Q. Maiestie that now is, by his last will and testament in writing made, and written in the life time of the said W. P. did giue and bequeath the same to one C. then his wife, and now wife vnto your said Orator, for the time of her naturall life, the remainder thereof after her decease to one R. P. as by the said Will appeare, and afterward the said W. P. died of such his estate thereof, so as is aforesaid seized, by force of which Will and deuice, the said C. by and after his death entred into the said messuage or tenements, & was thereof lawfully seized in her demesne, as of freehold, for the terme of her life, the remainder thereof after her decease to the said R. P. in forme aforesaid belonging: and also whereas the said W. P. was in his like also seized, of, or in certaine copihold or customarie lands, lying and being within the Manor of S. in the said C. of P. and holden of the said Manor by copy of the Court rolles of the same manor in his demesne, as of fee, according to the custome of the said manor, and he being thereof so seized died thereof so seized, by & after whose death the said C. his wife was endowed of the third part of the said copihold or customarie lands and tenements, and according to the customs of the said Manor, admitted thereof tenant by the Steward of the court of the said Manor accordingly, by force wherof she likewise entred into the third part of the said customary tenements and premisses, and was therof likewise seized in her demesne as of freehold, as tenant in dower thereof, for the terme of her life naturall, according to the said custome, and quietly & peaceably occupied and inioyed the same vntill about ten yeres nois last past. Now that your said Orator through importunacie and earnest perswasions of some friends of the said I. T. and A. L. was contented in some manner to yéld vnto their suit, and thereupon for the furtherance and triall of the title and interest of the said I. T. about the 14. day of I. in the 26. yeare of the Quenes Maiesties raigne that now is, without any fine, income, or other consideration to him paid, but giuing credit vnto

the speeches of the said I.T. and A.L. that they would seeke nothing at the hands of him your said Orator, but only vse the benefit of his present estate, for the resisting of certaine vnlawfull suits and attempts which were then offered (as they then affirmed) as by the said R. and others, did by this your said Orators Indenture of lease, bearing date about the said time demise, grant, and to farme let, to the said I.T. and A.L. all the said freehold lands, tenements & hereditaments, with the appurtenances in E. & H. aforesaid. To haue and to hold the said tenements, and premisses, with the appurtenances, to the said I.T. & A. L. their executors and assignes, from the feast of S. M. the Bishop in winter last past, before the date of the said Indenture vnto the full end and terme of 21 yeres thence next following, and fully to be complete and ended, if the said E. did so long liue, yelding and paying therefore yerely during the said terme of 21 yeres vnto your said Orator, his executors, administrators, and assignes, 20 s. of lawfull English money, at the feastes of Pentecost, and S. Martin the Bishop in winter by euen portions, as by the same Indenture more at large appeareth: by vertue and pretence of which demise, the said I.T. and A.L. into al the said tenements and premisses, with the appurtenances, about the same time entred, and were thereof possessed, and euer since their entry haue quietly and peaceably occupied and enioyed the said demised tenements & premisses, and the rents, issues, and profits therof arising and comming, haue quietly and peaceably taken & conuerted to their owne only vse: which rents, issues, and profits of the premisses, euer since the making of the said leases, which is by the space of ten yeares now last past, haue bin yerely worth 4 li. at the least, ouer and aboue al charges and reprises. And in truth at the time of the making of the same lease, it was fully concluded and agreed by and betwen your said Orator, the said I.T. and the said A. L. and the said I. T. and A. L. in consideration of the making of the said lease to them by your said Orator in maner and forme aforesaid, and for the causes aforesaid, promised, that the said lease, and their said estate thereby made, should be surrendred and yelded vp vnto your said Orator, when either the said suits were ended betweene the said R. and them, or either of them, or when they by vertue of the said lease had enioied the same demised tenements, and premisses, by the space of one whole yere, for then the same lease was so, as is aforesaid, made onely for the defence and triall of the said estate, right, and title of the said I.T. and A.L. of, and in the saune tenements and premisses, and not to the intent that they or either of them should by reason of the same Indenture, according to the purport and tenor thereof, for the terme of 21 yeares haue and enioy the same, for so small a rent, which neuertheless they haue done, and yet doe so

occupy

occupy and enioy the same, contrarie to their said faithfull promise and agreement, as is aforesaid, thereof made: and yet not contenting themselues with the said occupation of the said tenements &c. doe not only deny and refuse to yeeld vnto your said orator either the said yerely rent reserued vpon the said lease, or any other consideration for the occupying of the same, and vtterly deny to yeeld vnto your said orator any rent or consideration for the same, being so as aforesaid, behind by the space often yeres: but also doe vtterly deny to yeeld vp vnto your said Orator their said estate and terme of yeares yet to come, of, and in the said demised tenements and premisses according to their faithfull promises and agreement, so as is aforesaid made, and further since their said entrie into the said tenements and premisses, they the said I. T. and A. L. or the one of them haue razed or defaced all or part of the houses, edifices, and buildings, which at the time of the making of the same lease were standing and being vpon the said demised tenements and premises, and the thacke, slate, timber, and stone thereof, haue either giuen away or conuerted the same to their owne vses, without the consent of your said Orator, to the intent that the same tenements might so be made vnmeete for the habitation of your said orator, and his said wife, whereby they might the rather enforce your said orator for want of the said buildings, to yeeld the same vnto them, for little or nothing, by reason of the want of the said indenture, there being onely one part thereof made together, which with such copies as concerne the said copihold lands, are in the hands and possession of the said I. T. and A. L. or of any of them, or of some other persons by the deliuery of them, or of one of them, the certaine number, dates, contents, and other certainties whereof your said orator knoweth not: and albeit ỹ your said orator hath diuers times in gentle maner required them the said I. T. & A. L. to deliuer vnto your said orator the said indenture and copies, and to yeeld vp and surrender vnto your said orator the said interest, of, and in the said demised tenements and premisses, according to the said agreement and trust, yet they so to doe, haue euer hitherto refused and denied, and yet doe deny and refuse to doe the same, and to yeeld vp and surrender the said estate of, and in the said premisses, according to the trust in them reposed, and to repaire and reedifie the said tenements and premisses so by them razed, and pulled downe, as is aforesaid, against all right, equitie and good conscience, and against all good and honest dealing, and to the impouerishing, and vtter vndoing of your said orator, and his said wife, if spedy remedie be not in due time by your honourable L. prouided for the repressing of their said vnconscionable purposes and attempts in the premisses. In tender consideration whereof, and forsomuch as the said

Indenture

Indenture, conclusion promises, and agreements, so as aforesaid, had, and made, by, and betweene your said Orator and the said I. T. and A. L. concerning the premisses, were secretly made and agreed vpon, by, and betweene themselues, and few witnesses being priuie thereunto or present with them at the time of the making thereof, which might testifie the same, and those witnesses (such as they were) be now either dead, or vnto your said orator vtterly vnknown, being at the same time meere strangers vnto your said orator, & then brought thither by them the said I. T. and A. L. as it seemed, of set purpose to circumuent and deceiue your said orator, and his wife in the premisses, your said orator then referring especiall trust and confidence to the said I. T. and A. L. as persons whom he toke and accounted to haue bin his very especial good friends, and also very substantiall honest men, is vtterly without all remedy by the strict course of the common Lawes of this Realme, of Eng. to recouer either the possession of the same tenements and premisses, or of the said rents, they hauing his said Indenture of lease as is aforesaid, or to recouer the copies: It may therfore please your hon. L. the premisses graciously considered, to grant vnto your said orator, the Q. Maiesties writ of Subpœna, out of her highnes Court of Chancerie, to be directed vnto the said I. T. & A. L. and either of them thereby commanding them, and either of them at a certaine day, and vnder a certaine paine therein to be limited, to be, and personally to appeare before your hon. L. in the said court of C. then and there to answer vnto the premisses, and to stand to, and abide such order & direction therein, as to your hon. L. shal be thought to stand with right, equity & good conscience. And your said orator shal daily pray vnto God for the preseruation of your Honors prosperitie and good health long to cõtinue.

A Bill by an Administrator vpon a promise made vnto the intestate by the defendant, to pay vnto him certaine money in mariage of the defendants daughter with one of the intestate sonnes.

Sect. 78

COmplaining, sheweth to your honourable L. G. Earle of S. administrator of the goods and chattels of the right hon. G. Earle of S. deceased his late father, That whereas about seuen yeres now last past, there was certaine communication betwéen the said G. earle of S. in his life time, and one W. R. of R. in the countie of N. esquire, of, for, and concerning a mariage then intended to be made betwéene H. T. Gsquire, one of the sonnes of the said late Earle, and E. the onely daughter, and heire apparant of the said W. R. And thereupon it was fully concluded and agreed betweene the said late Earle, and the said W. R. and either party did mutuall promise, and agrée to and with the other

other, that the ſaid H. L. and the ſaid E. daughter of the ſaid W. R. ſhould marry together, according to the Eccleſiaſticall Lawes of this Realme of Engl. at a certaine day by the ſaid parties, for that purpoſe agreed vpon and appointed. And for and in conſideration of the ſaid mariage to be made, as is aforeſaid, the ſaid W. R. about the ſame time did aſſume, and to the ſaid late earle faithfully promiſe to pay and giue vnto the ſaid late earle 4000 li. of lawful Engl. money, or thereabouts, at certaine daies likewiſe in that behalfe betweene them agreed vpon, and now long ſithence paſt, by reaſon of which agreement, promiſe, and aſſumption ſo made, as is aforeſaid, the ſaid H. L. did ſhortly after the ſaid agreement, marry and take to his wife the ſaid daughter of the ſaid W. R. And thereupon the ſaid W. R. did well and truely content and pay to the ſaid late earle the ſumme of 3000 li. parcell of the ſaid ſumme of 4000 li. or thereabouts. And ſhortly after and before he the ſaid late Earle had received thereſidue of the ſaid ſumme of 4000 li. he the ſaid Earle died. Now ſo it is, if it may pleaſe your honourable L. that the ſaid W. R. not ignorant of the premiſſes, and nothing regarding his ſaid agreement and faithfull promiſe and aſſumption, ſo as is aforeſaid by him made, to and with the ſaid late earle, but imagining and fraudulently intending, as well the ſaid late Earle in his life time, as your ſaid Orator, being adminiſt. of the goods and chattels of the ſaid late Earle, ſince his death in this behalfe falſly and deceitfully to defraudand deceiue him of the ſumme of 1000 li. at the leaſt, parcel of the ſaid ſumme of 4000 li. or thereabouts by him agreed and promiſed to be paid to the ſaid late E. as is aforeſaid in conſideration of the ſaid mariage, although he the ſaid W. R. hath oftentimes, as well by the ſaid late E. in his life time, as by the now E. ſince his death hin curteouſly required to haue paid the ſaid ſumme of 1000 li. according to his ſaid agreement, promiſe and aſſumption, yet that to doe, hath he euer hitherto denied and refuſed, and yet doth deny and refuſe to doe the ſame, contrarie to his ſaid faithfull promiſe & aſſumption, to the great loſſe and damage of the now E. and altogether againſt all right, equity and good conſcience. Notwithſtanding that the ſaid late E. in reſpect of the ſaid mariage, hath couenied & aſſured vnto the ſaid H. L. a good eſtate of inheritance, of diuers manors, land, tenements, and hereditaments worth 3000 li. by the yeare, or thereabouts, whereof the ſaid E. his daughter is intituled to haue dower by law: In conſideration whereof, and for ſo much as by reaſon of the great truſt & confidence which the ſaid late E. did repoſe and put in him the ſaid W. R. the ſaid agreement promiſe and aſſumption, ſo as aforeſaid, betweene them made, was ſo made ſecretly and priuatly betweene themſelues onely, without calling any other perſons or perſons vnto them to be witneſſes thereof

which

which might testifie the same agreement, promise, and assumption, so that for want of witnesses to proue the said promise and assumption, this compl. hath no remedie to recouer the same summe of 1000. li. by the due and strict course of the common Lawes of this Realme, nor otherwise to recouer the said summe of 1000. li. if the said W. R. in his answer to the premisses vpon his othe in this honourable Court shall not confesse the premisses to be true, as the complainant verely thinketh that he will: It may therfore please your hon. Lordship, the premisses considered, to grant vnto this compl. the M. Maiesties writ of Subpœna, to be directed vnto the said W. R. thereby commanding him at a certaine day, and vnder a certaine paine therein, by your good L. to be limited, to be, and personally to appeare before your hon. L. in her Maiesties high Court of Chancerie, then and here to answere vnto the premisses, and to stand to, and abide such order & direction herein, as to your hon. L. shall seeme to stand with right, equity & good conscience. And your said Orator shal daily pray vnto almighty God &c.

A Bill for entring into and detaining lands by colour of having euidence thereof, and for contriuing secret estates.

Sect. 79

In most humble wise sheweth and complaineth to your honourable L. your daily Orator T. G. of &c. That whereas one A. G. late of Y. aforesaid Esquire deceased, about 6 yeres now last past was in his life time lawfully seised in his demesne as of fee, of, and in one parcel of medow called the Y. medow, containing by estimation two acres lying and being in Y. in the said countie of &c. And the said A. G. so being of all and singuler the said premisses seised, about fiue yeares now last passed of such estate thereof died seised. By and after whose death, all and singuler the said premisses discended and came, as the same of right ought to discend and come to your said Orator, as brother and nert heire to the said A. G. whereupon your said orator immediatly after the death of the said A. G. entred into all and singuler the said premisses, and was thereof lawfully seised in his demesne as of fee, and the issues and profits of al and singuler the said premisses, did receiue, perceiue, and take to his owne vse, as lawfull was for him to doe: But so it is right honourable Lord, that about three yeres now last past, al and singuler the deeds, euidences, muniments, terrers, and writings, concerning the said premisses, and of right belonging to your said orator, by casuall meanes are come to the hands and custodie of E. B. and W. E. who by colour of hauing the said deeds, euidences, muniments, terrers, and writings in their hands, haue not onely wrongfully entred into all and singular the said premisses, and expulsed and put out your

said

ſaid Orator, of, and from the ſame, but alſo haue contriued and made diuers and ſundrie fained and ſecret eſtates of the ſaid premiſſes, to diuers perſons to your ſaid Orator vnknowne, ſo that your ſaid Orator knoweth not againſt whom to bring his action by the due order and courſe of the common lawes of this realme, for the recouery of the ſaid lands, meadowes, and premiſſes, to the manifeſt diſinheriſon of your ſaid Orator and his heires for euer, vnleſſe your good L. accuſtomed fauor and ſpeedy redreſſe be vnto him ſhewed in that beealfe, and for that you ſaid Orator knoweth not the certaine number of the ſaid deeds, euidences, munements, terrers, and writings, nor the true dates of the, nor wherein the ſame, nor any of them be contained, whether in bore, bag, or cheſt locked, ſealed, or open, he is alſo without his remedy by the due order and courſe of the common lawes of this Realme, for the recouery of the ſaid deeds, euidences, muniments, terrers, & writings, vnleſſe your L. help and ſpeedy remedy herein be to your ſaid Orator extended: It may therefore pleaſe your honourable L. the premiſſes conſidered, to grant vnto your ſaid Orator the Q. Maieſties moſt gracious writ of Subpena, to be directed to the ſaid E. B. and M. E. and either of them, commanding them and either of them thereby at a certaine day, and vnder a certaine paine in the ſaid writ to be limited and appointed, perſonally to be & appeare before you ho. L. in the Q. high Court of Chancerie, then and there to anſwer vnto the ſaid premiſſes &c. And further to abide ſuch order and direction therin, as to your good L. ſhall ſeeme to ſtand with equity and good conſcience. And your ſaid Orator ſhal daily pray vnto almighty God for the preſeruation of your honorable L. in good health long to continue.

A Bill that the Plaintife was ſeiſed in fee of Copihold lands, and agreed in conſideration of money payable at certaine daies, to leaſe the ſame to the defendant for yeares, as appeareth by articles, and that the defendant hath not paid the money, to the plaintifes loſſe and diſcredit.

HVmbly complaining, ſheweth vnto your honourable L. your daily Orator I. S. of P. in the county of K. gent. That whereas vpon the 8. of September in the 32. yeares of the raigne of the Quenes moſt excellent maieſtie that now is, your ſaid Orator and A. his wife, as it the right of the ſaid A. were, and yet be lawfully ſeiſed in their demeaſne as of fee, according to the cuſtome of the manno of S. in the Countie of P. Of and in one meſſuage or tenement in B. within the Chappelry of B. in the Countie of P. then in the tenure or occupation of E. B. or of his aſſignes, And of diuers landes, medowes, paſtuers, Sect. 80

paſtures, commons, profits, and commodities with the appurtenances thereunto belonging. And they being thereof ſo ſeiſed, it was then concluded and agreed betweene your ſaid orator on the one partie, And I.M. and P.M. one the other partie, that your ſaid orator and his ſaid wife within one yeare then next enſuing, ſhould ſurrender lawfully according to the ſaid cuſtome of the ſaid manor of S. and to convey vnto the ſaid I.M. and P.M. their executors and aſſignes the ſaid tenement and premiſſes to thuſe of the ſaid I.M. & P.M. their executors and aſſignes, from the feaſt of S. Michael the Archangell, which ſhall be in the yeare of our Lord God 1591. vnto the ende and terme of eleuen yeares then next following, with ſufficient cartbote, heybote, and hedgebote to be taken vpon the premiſſes, and for the yerely rent of ry.li. to be paid for the ſame at two vſuall feaſts in the yere, and that in conſideration thereof, the ſaid I.M. & P.M. did then couenant and promiſe, to pay vnto your ſaid orator the ſumme of 55. li. of lawfull Engliſh money in manner and forme following: that is to ſay, at, or before the feaſt of S. Michael the Archangel now laſt paſt 40 pounds of lawfull Engliſh money, and at, or before the feaſt of Martin the Biſhop now laſt paſt 15. li. thereof reſidue, as in and by certaine articles indented, vnſealed thereof made betweene them, bearing date the ſaid 18 day of September, in the 32 yeare aforeſaid, amongſt diuers other things plainly appeareth: But now ſo it is, if it may pleaſe your honorable Lordſhip to vnderſtand, that the ſaid I.M. and P.M. their promiſes and aſſumption aforeſaid not regarding, but imagining, and fraudulently intending your ſaid Orator in that behalfe falſly and deceitfully to deceiue and defraude, the ſaid 55 li. nor any peny thereof, though oftentimes by your ſaid Orator gently required to make paiment thereof, according to their promiſe and aſſumption aforeſaid haue not paied, nor haue in any wiſe contented your ſaid Orator, by meanes whereof your ſaid Orator hath not onely forborne and loſt great gains and profits, which he might haue gotten with the ſaid 55 li. by lawful bargaining, buying & ſelling, if the ſaid I.M. and P.M. had paied the ſame according to their promiſes, but alſo hath thereby been greatly hindred in his credit to diuers perſons to whom he was indebted, in ſeueral ſummes of money, and vnto whom he your ſaid orator promiſed and became bound himſelfe by obligation to haue paid the ſame, at diuers daies now paſt, vpon hope of the fulfilling and performance of their ſaid promiſe, aſſumption, and agreement aforeſaid, which is to the grieuous loſſe and damage of your ſaid Orator, and altogether againſt all right, equity, and good conſcience: In tender conſideration whereof, and forſomuch as the ſaid concluſion, promiſe and agreement was ſo priuately, and ſecretly made betweene your

ſaid

said orator, and the said I. P. & P. P. that no other persons were then present which can testifie the same, so that your said orator for want of due proofe thereof, hath no remedy by the vsuall course of the common Lawes of this Realme to recouer the same, nor otherwise, if they the said I. P. and P. P. in their answers to the premisses in this honourable Court shall not confesse the truth of the premisses to be, as is aforesaid, as your L. said orator verely thinketh they will: It may therefore please your honourable Lordship, the premisses graciously considered, to grant vnto your said orator the Maiesties writ of Subpœna, to be directed to the said I. P. and P. P. therby commanding them, and either of them, at a certaine day, and vnder a certaine paine therein to be limited by your good L. to be, and personally to appeare before your good L. in her Maiesties most high Court of Chancerie, then and there to answer to the premisses, and further to abide such order & direction therin, as to your good L. shall seeme to stand with right, equity & good conscience. And your said orator shal daily pray vnto almighty God for the preseruation of your honor in good health long to cõtinue.

An answer and demurrer to the same Bill.

THe said defendants, and either of them making protestation, and not any waies confessing any thing in the said Bill of compl. contained to be true, in such maner and forme, as in the same it is thereby set forth & declared, do further say, that the same are altogether deuised and contriued of malice, or set purpose, to put these said defendants to wrongfull vexation, great trouble, & expences in the law for following of the same as they are probably induced to thinke, and without any iust ground or reasonable cause by them giuen vnto the said complainant so to do, in which respect, and for because that it euidently appeareth by the said Bill, that if the said complainants allegations were true in such maner and forme, as in the said bill they are set downe and declared, as these def. verely thinke, and are surely perswaded they are not, the said compl. hath good remedy, and ought to sue for the same by way action, at, and by the common law of this realme, and not in this hon. court, as these def. and either of them take it. And for the other apparant insufficiences in the said Bill of compl. conteined, the said defend. and either of them demurre in law, and demand iudgement, whether they shall make any further answer vnto the said insufficient bill of compl, and doe further pray to be dismissed out of this honourable Court, with their costs and charges, in this behalfe wrongfully sustained: And yet neuertheless, if the said defend. or either of them shall be compelled by the order of this hon. Court, to make any further or Sect. 80

other

other answer to the said vntrue and vnsufficient bill of complaint: then they and either of them for the satisfaction of this hon. Court, in the truth of all the matters in the said bill most vntruely obiected by the complainant, against the said def. for further and ful answere thereunto, and for plaine declaration of the truth therein: They the said def. and either of them say, that true it is indeed, that there was a certaine speech or communication had betweene the said complainant and these said defendants for such a bargaine to be had and made betweene them in such sort, for the lease and paiments, as they are by the said bil alleaged, the which said communication was then set downe in certaine articles bearing date, in the said complainants Bill alleaged. And it was then also most materiall, for these said def. further couenanted and agreed on the part of the said complainant, that that said cõmunication should be by him the said compl. put in writing by deede indented, and according to the Law be executed by sealing and deliuering thereof, as these said def. then did, and yet do take it, and moreouer, that the said compl. and G. B. of C. in the Countie of D. Esquire, should become bound iointly and seuerally vnto the said defen. for the true performance of all and euery the said agreements, in the summe of 100. li. before the paiment of the said summe of 40. li. in the said bill mentioned, being the first payment which they should haue made, the which said communication as the said defendants did account it, was then set downe in writing vnder the terme of articles of agreement, but yet neuer meant to conclude or bind the said bargaine, vntill the same should haue bin ingrossed, sealed and deliuered, and the said oblig. entred at the said compl. costs and trauell, as the said defen. haue euer taken it, and thinke the same will proue so in law, because it was referred to further writings more effectuall in the law to be accomplished by the said cõpl. the which to doe, he neither yet hath, neither as it seemeth meant to performe, but rather to gaine the said defen. money, without any assurance thereof to be made vnto them, for that he hath not caused the said articles to be ingrossed, neither hath he and the said G. B. entred into bond to the said def. or either of them according to the said agreement, but wholy sought, if by any meanes he could, cunningly to possesse himselfe of the said summe of 55. li, or of so much therof, as he could without any assurance making, or entring into bond to the said defendants (as aforesaid) to the great impouerishment of the said defendants, if the said complainants intent had taken effect, for which causes they the said defendants thinke that the said complainant hath no iust cause of complaint, neither are they the said defendants or either of them bound, as they take it, to performe the said paiments in the said bil expressed, without that, that the said agreement was priuately and

secretly

secretly made betweene the said complainant, and the said defendants as in the said bill is most untruly alleaged, or that the said defendants euer meant any fraud or guile, as likewise in the said bill is verie slanderously pretended. And without that, that any other matter or thing in the said Bill of complaint conteyned, materiall or effectuall in the law to be answered vnto, and in this their answer not sufficiently answered vnto, confessed, and avoided, traversed, or denied, is true, all which matters, these defendants and either of them are ready to averre and proue as this hon: Court shall award, and pray that they may be dismissed out of the said Court, with their reasonable costs and charges in that behalfe wrongfully, and without cause sustained.

The Replication of Io. S. complainant, vnto the ioint and seuerall answers and demurrers of I. M. and P. M. defendants.

THe said complainant for replication saith, in all and euery thing and things, as he in his said bill of complaint hath said, & doth and will averre, iustifie, and maintaine his said bill of compl. and all & euery thing and things, clause, sentence, article, and allegation therin contained, to be good, iust, and true, certaine and sufficient in the law to be answered vnto by the said defendant, and deuised and exhibited into this honorable Court, vpon good and iust cause of suit, as in and by the said bill is most truly set downe and inclosed: And not deuised, imagined, and set forth by this complainant against the said defendants vpon malice or set purpose, to put these defendants to wrongfull and very vniust veration, costs, charges, and suit in law, without any good ground or cause so to doe, as in the said answer it is vntruely alleaged. But the said complainant saith, that the answers of the said defendants are very vncertaine, vntrue, and insufficient in the law to bee replyed vnto for diuers and manifest imperfections therein conteyned. Neuertheless, if by the order of this honorable Court this complaynant shall be compelled to make any further replication vnto the said vntrue, incertain, and insufficient answers of the said defendants, then and not otherwise, the aduantage of exception, to the manifest incertaintie and insufficiency thereof to this complainant, at all and euerie time and times hereafter saued, for further replication thereunto, sayth, as in the said bill of complaint he hath said, without that, that at the said time of the making of the said agreement in the saide Bill and answer mentioned, it was further couenanted and agreed on the part of the said complainant, that the said communication should by the said complainant be put in writing by deed indented, and according to the law be executed by sealing and deliuerie thereof. Or that

Sect. 82.

this complainant, and the said G. B. Esquire in the said answere names, should become bound iointly and seuerally vnto the said defendant, for the true performance of all and euerie the said agreements in the summe of 140. li. in the said bill mentioned, being the first payment which they should haue made, as in the said answere it is verie vntruely alleaged, with this, that this complainant doth and will auerre, and proue that the said communication in the said bill and answer mentioned, set downe vnder the terme of articles of agreement, was euer meant to conclude and bind the said bargaine, the same not referred to any further ceremony of ingrossing, sealing, and deliuerie, or entring into the said obligation by the said complainant, or G. B. at the costs and trauell of the foresaid complaynant, and the said G. and this complainant also saith that the same agreement was then fully and absolutely made, and not referred to any such further writing more effectuall in the law, to be fully accomplished by the said complainant, as in the said answer it is coniecturally and vntruely suggested, and without that, that this complainant, and the said G. B. or eyther of them haue meant to gaine the said defendants money, without any assurance made of the tenements in the said bill mentioned to the said defendants, or wholly sought by any meanes he could, cunningly to possesse himselfe of the said summe of fiftie pounds, or of so much thereof as he could, without any assurance making, or entring into bond to the said defendants, as aforesaid, to the great impouerishment of these defendants, if the complainants intent had taken effect, as in the said answer is vntruly surmised. For this complainant saith, that euer since the making of the said bargaine and agreement, he and the said G. B. haue, and yet are ready to performe and doe, whatsoeuer they did then bargaine and agree to doe, by the same articles, as vnto this honourable Court, shall be truely and sufficiently proued, and this complaynant also saith, that he hath iust cause of complaint, and that the said defendants are bound to performe the said payments in the said bill of complaint mentioned, which he hopeth they shalbe compelled to do, by the order of this honourable Court. And without that, that any other matter, thing or things, clause, sentence, article or allegation, in the said answer conteyned, materiall, or effectuall in the law, to be replyed vnto, by this complaint, and not herein in this his replication by this complaint sufficiently replied vnto, confessed and auoided, denied or trauersed is true. All which matters this complainant is readie to auerre and proue as this honourable Court shall award, and prayeth as he in his said Bill of complaint hath prayed.

A

A Bill for money lent without specialtie and witnesse.

To the right honorable Sir T.B. &c.

IN most humble wise complaining, sheweth vnto your honourable Lordship, your daily Orator A.G. of Alchebourne, in the Countie of Darbie, gentleman, That whereas your said Orator by way of prest, at the feast of S. in the 18. yere of the reigne of our Soueraigne Lady Elizabeth by the grace of God, of England, France, and Ireland, Q. defendresse of the faith, &c. did deliuer vnto E.C. of A. in the countie of Y. yeoman, the summe of 20. li. of currant English money, to be paid vnto him your said orator, at or before the feast of S. Bar. the Apostle then next ensuing: Now so it is, that although your said orator hath many and sundry times required payment of the said 20. li. yet notwithstanding, he the said E. the same 20. li. to your said orator hath not yet paid, to the great losse and hinderance of him your said orator. And forbecause your said orator hath not any specialtie or witnes to proue the deliuerie of the said 20. li. he is therefore thereof without remedie by order & course of the common Lawes of this Realme, and is vtterly like to lose the said summe, contrarie to all equitie, good conscience, and true dealing, vnlesse your honorable L. favor and lawfull aid be herein shewed. In tender consideration whereof, may it please your honorable L. the premisses considered, &c. Sect. 83

The Answer of the said Bill.

THe said defendant saith, That the said Bill of Complaint is very vntrue and insufficient in the Law to be answered vnto, for diuers apparent matters therein contained, & that the same is deuised by the said complainant, and exhibited into this honourable Court of mere malice and euill will, to the intent to put this defendant to great charges and expences, without any good matter, or iust cause, or colour of cause so to doe: And that if the said supposed matter were true, as indeede it is not, yet were the same determinable at and by the common Lawes of this Realme, and not in this H. Court, whereunto this defendant prayeth to be dismissed, with his reasonable costs and charges in this behalfe wrongfully sustained: without that, that the said complainant by way of prest at the feast of Pentecost, in the said 23. yeare of the Queenes Maiesties reigne, or at any other time did deliuer vnto this defendant the said summe of twentie pounds, to be paid vnto him at, or before the said Feast of Saint Bartholomew the Apostle, as in the said Bill is supposed. And without that, that the said complainant many and sundry times required payment of the said twenty pounds, as in the said Bill is likewise vntruely supposed. And without that, Sect. 84

that any other matter, thing, or things, clause, sentence, article or alle-
gation in the said bill contained materiall or effectuall in the Law to
be answered vnto, and not herein in this his answere sufficiently con-
fessed and auoided, denied or trauersed, is true. All which matters &c.

A Bill of deteining Bonds and Bils paid, praying an Iniunction to stay suite thereupon.

To the right honourable Sir C. H. Knight of the noble or-
der of the Garter, and Lord Chauncellor of
England.

Sect. 85

HVmbly sheweth vnto your good Lo. F. L. of S. in the dale, in the Counties of D. Esquire: That whereas your said suppliant did long sithence in his fathers life time at diuers seuerall times (the certainetie whereof your Lo. said orator doeth not now remember) vpon some occasion that he then had to vse more money then he had then in store, did borrow and take to lone of one R. S. of S. in the said county of D. yeoman, diuers summes of mony, vpon receit whereof, your Lo. said suppliant did alwaies deliuer vnto the said R. S. either sufficient obligations of double the summe borrowed, or else his the said F. L. your Lo. said suppliants single bill obligatory, for repaiment of all such summes of money as he then borrowed at such times as were then agreed vpon betweene them. And amongst the rest, your Lordships said orator did about twenty yeres since, as he now remembreth, borrow of the said R. S. the summe of xx. l. for the repaiment whereof at a certain day therefore then agreed vpon betweene them, your L. said suppliant did then deliuer vnto the said R. S. his bill obligatorie for his sufficient assurance thereof, the which said twenty pound, like as also all the other summes of money so borrowed by your L. said suppl. as is afore-said the said F. L. your L. said suppliant, hath most certainly now long sithence repayed vnto the said R. S. at such times as he the said R. was wel therewith contented, as well in full discharge of the said bill obligatory of xx. l. as of all the other bonds and writings so entred into by your Lo. said suppliant as is aforesaid: and in respect that hee the said R. S. had not the said bill obligatorie for the said xx. l. ready to be cancelled and redeliuered at the said repaiment of the said xx. li. he the said R. S. did then very faithfully promise vnto him y made the said repaiment, that he the said R. S. would assuredly cancel the said bil obligatory, whensoeuer the same should next come into his hands: But so it is, if it may please your good Lo. that the said R. S. hath lately put the said bill for the said xx. li. in suit, as your Lo. said suppliant is credibly

informed,

informed, meaning to be double paied for the ſaid rr.li. in the ſaid Bill mentioned, againſt all equitie and good conſcience: In conſideration whereof, and for as much as your L. ſaid Orator hath no remedie at the common Law, either to recouer the ſaid Bill obligatorie for the ſaide ſumme of rr.li. from the ſaid R. S. or otherwiſe to plead in diſcharge thereof. And forſomuch as the ſaid R.S. hath diuers other the ſaid obligations and writings yet remaining in his handes, which are likewiſe ſatiſfied, and which he hath promiſed to deliuer vnto your L. ſaid ſuppliant at diuers times now long ſithence paſſed, the which to doe, he hath hitherto not fulfilled, and in verie good ſort by your L. ſaid Orator, and his ſeruants oftentimes required, for like recouerie or diſcharge whereof, your L. ſaid ſuppliant ſtandeth likewiſe deſtitute by the ſtrict courſe of the common lawes. It may therefore pleaſe your good L. to award aſwell the Mu. Maieſties moſt gratious writ of Iniunction, to be directed vnto the ſaid R. S. and all and euerie of his Counſellors, Atturnies, Sollicitors, and Factors, commanding them and euery of them therby at a certaine day, and vnder a certaine paine therein to be ſet downe by your good L. no further to proceed in the ſuit vpon the ſaid rr.li. bill, vntill your L. ſhall haue taken further direction therein, as alſo the M. maieſties writ of Subpœna to be directed to the ſaid R. S. commanding him thereby &c.

A Bill to examin witneſſes in perpetuam rei memoriam, *touching a leaſe to be made in truſt by the plaintife to the defendants.*

To the right Honorable Sir C. H. Knight, Lord Chancellor of England.

IN moſt humble wiſe complayning, ſheweth vnto your Honourable Lordſhip, your ſuppliant and daily Orator T. B. of B. in the county of Y. eſquire: That whereas your ſaid Orator about fiue yeares now laſt paſt, was, and yet is lawfully ſeiſed in his demeſne as of fee, of, and in one meſſuage or tenement called B. and of diuers landes and grounds thereunto belonging, or with the ſame commonly vſed or occupied, lying and being within the Lo: of M. in the Countie of Y. and he being thereof ſo ſeiſed, vpon ſpeciall truſt & confidence which he then repoſed in one W. G. of B. in the countie of Y. and M. his wife, by his deed ſufficient in the law, did demiſe, graunt, and to ferme let vnto the ſaid W. G. and M. his wife, when ſhe the ſaid M. was ſole and vnmarried, the ſaid meſſuage, tenements, and premiſſes, To haue and to hold the ſame vnto the ſaid W. and M. from the end and expiration of one leaſe then enduring, and now ended, which the ſaide Sect. 86.

W. G. then had in the premisses for the terme of xxj. yeres thence next following, fully to be compleate and ended: which said lease was not only meant and intended to be to the vse of your said Orator, but also at the time of the making hereof it was so declared and expressed, as well by your said Orator, as by the said W. and M. in the presence of diuers witnesses, & not to the vse of the said W. and M. as your Orator shall be able plainely to proue in this H. Court, which notwithstanding by the sinister perswasion, confederacy & procurement of one W. L. of C. in the county of D. yeoman, they the said W. and M. do challenge and claime the said lease to be to their owne vse and behoofe, contrary to the foresaid trust so reposed by your said Orator in them the said W. G. and M. and contrary to the foresaid vse thereupon expressed, at the time of the sealing and deliuery of the foresaid lease by your said Orator vnto them as is aforesaid. And forasmuch as the foresaid lease in writing is absolute, without any vse expressed or declared in the deed of the same, And also seeing such witnesses as your said Orator hath for the proofe of the foresaid vse declared (at the time of the sealing and deliuerie of the foresaid lease) are now very aged & impotent, & not likely to liue long, and dos inhabite and dwell within the countie of M. and are not able to trauell to the city of London, & if they should chance to die before they be examined concerning the premisses, then were your said Orator without all remedy for proofe of the foresaid vse and trust so by him reposed in the said W. G. and M. his wife, (except by your good L. it be granted vnto him, that he may haue a commission directed vnto such persons, as to your L. shalbe thought meet, inhabiting in the said county of M. for the examining of the foresaid witnesses, in perpetuam rei memoriam, for the proofe of the foresaid vse & trust reposed by your said Orator in the said W. G. & M.) May it therfore please your most hon. L. the premisses gratiously considered to grant to your said Orator &c.

A Bill vpon promise, safely to deliuer Sheepe to the Plaintife, by one whose Executor the Defendant is, which Testator and Executor conuerted the said Sheepe to their owne vse, with an answer to the said Bill, and replication thereunto.

To the Queenes most excellent Maiestie, in her Highnes Court of Chancerie.

Memor. This direction is when there is neither Lord Chancellor, nor Lord Keeper.

Sect. 87. HVmbly complayning, sheweth vnto your Maiestie, your faithfull subiect W. P. of H. in the county of L. Gentleman, That whereas about

about the moneth of Aprill, which was in the yere of our L. God 1590. one H. S. was lawfully possessed of 121. ewes, and 121. lambes, as of his owne proper goods, and he being of them so possessed, about the same time did sell the same vnto your Maiest. said subiect, for the sum of 50. li. of lawful English money or thereabouts to him paied by your said subiect: by force of which bargaine your said subiect was of the said sheep lawfully possessed, as of his owne proper goods, and he being therof so possessed, it was the agréed betwéen your said subiect, and the said H. S. and one G. C. of A. in the coūty of Y. husbandman, ỹ the said H. S. should deliuer the same sheepe to the said G. C. to be safely kept by him to the vse of your said subiect, to be brought and deliuered to your said subiect, at your said sub. his dwelling house in H. aforesaid, in the said county of Lincolne. And thereupon the said G. C. in consideration thereof, and in consideration of 40. s. to him by your said subiect to be paid at the deliuery of the said sheep, in form aforesaid, did then assume vpon himselfe, and to your said subiect did faithfully promise, ỹ if the said sheepe were deliuered vnto him, according to the said agrément, that then he the said G. C. would well and safely kéepe the same, and bring and deliuer them, or cause the same to be brought and deliuered vnto your said subiect at his said house in H. aforesaid, within a certain time after that he should receiue the same: which time is long sithence past. And your highnesse said subiect further saith, that about the first day of March next ensuing the said agrément and promise, all the said sheepe were deliuered vnto the said G. C. at A. aforesaid, according to the said agreement. But so it is, if it may please your excellent Maiestie, that the said G. C. in his life time imagining and fraudulently intending your said subiect in this behalfe craftily and subtilly to defraud and deceiue, did not onely deliuer vnto your said subiect the said sheepe, nor any of them, according to his said faithfull promise and assumption: but contrariwise did take and conuert a great part of them to his owne proper vse, selling some of them to diuerse persons to your said subiect vnknowen for diuerse sums of money, cōuerting the same to his owne vse, and killing sundry other of them in his house. And shortly after made his last will and Testament in writing, and therof constituted one R. C. his brother his executor, and died possessed of the said residue of the Sheep. After whose death the said R. C. proued the foresaid Testament, and also toke vpon him the burthen & charge of the execution thereof, and by pretence thereof the said residue of the said fiftie score and one Ewes, and fiftie score and one Lambes, being about fourscore Ewes, and threescore lambs, worth thirty pounds and aboue, came to the handes and possession of the said R. C. who imagining and fraudulently intending your saide subiect in this be-

halfe subtilty of the said sheepe to defraud and deceiue, hath in like maner solde the most part of the said ewes and lambes, so comen to his hands and possession, to diuers persons to your said subiect vnknown, for diuers summes of mony betwæn them agreed vpon, and the mony thereof arising hath conuerted to his only vse and behoofe: and albeit your said subiect hath diuers times comen vnto him the said R.C. since the death of the said G.C. gently requiring him either to deliuer vnto him your said subiect such and so many of the said sheepe, so as is aforesaid, comen into his handes and possession, or the value thereof, which very value of such other sheepe, as the said G.C. had in his life time so as is aforesaid conuerted to his owne vse, yet the said R.C. notwithstanding that after the death of the said G.C. the goodes and chattels, which were the said G.C. at the time of his death, sufficient both to discharge, pay, and performe, all the debts and legacies of the said G.C. and to satisfie your maiesties said subiect of and for such, and so many of the said sheepe as came to the handes of the said G.C. and neuer came to the handes, custodie, or possession of him the said R.C. hath euer hitherto denied and refused, and yet doth deny and refuse to yeeld vnto your said subiect any satisfaction or any recompence at all, either for the said sheepe, so as is aforesaid, conuerted to the onely vse of the said G.C. in his life time, so as is said, either conuerted to the vse of the aforesaid R.C. after the death of the said G. or by him the said R. still vniustly detained and holden from your said subiect, which vniust dealing of him the said R.C. is to the grieuous losse and damages of your said subiect, and altogether against all right, equitie, and good conscience. In tender consideration whereof, and forsomuch as the said promise of the said G.C. so as is aforesaid made for the deliuery of the said sheepe as is aforesaid, was so made in the presence and hearing of the said R.C. and of certaine other witnesses, which be now all dead, but the said R.C. insomuch as for want of such proofe as is requisit in that behalfe, he your said subiect is without all remedy either to recouer the said sheep, or any recompence for the same, either by the strict course of the common lawes of this realme, or in this honorable court, otherwise then by the parties owne confession vpon his oath in this honorable Court, which your said subiect verely doth imagin and thinke that he will confesse to bee in such sort, as is here aforesaid. It may therefore please &c.

The answere of R.C. to the Bill next before.

Sect. 88

THe said defendant by protestation not acknowledging or confessing the matters in the said bill of complaint contained to be true, in such maner and forme as in the same they be set forth and alleadged, saith,

saith, that the said bill of complaint is very vntrue, incertaine, and insufficient in the law to be answered vnto, and the matters therein surmised, are enuiously deuised, and vnconscionably contrived, imagined and set forth, only of purpose to vexe and molest this defendant vniustly, and to put him to great trauell, expences and charges of suite, and that without any iust cause or good matter, as this defendant hopeth he shall proue vnto this honorable court, neuertheless the aduantage of exception to the insufficiency, and vncertainty of the said bil of complaint, and all other aduantages to this defendant at all times hereafter saued, the said defendant for answer vnto the said bill of complaint saith, that he doeth not certainly know, neither is hee as he thinketh, compellable to take notice, whether one H.S. in the bill named, being abont the moneth of April, in the yere of our Lord God 1590. lawfully possessed of three score and one ewes, and three score and one lambes, as of his owne proper goods, did sell the same vnto the said complainant, for the summe of fiftie pounds, as in the said bill is supposed, or whether the said complainant, being lawfully possessed of the said sheepe, as of his owne proper goods by force of such bargaine, there were any such agreement betwen the said complainant, and the said S. and one G.C. of A. in the County of Y. for the deliuery of the said sheepe to the said G. to be safely kept to the complainants vse, and to bee deliuered to the complainant at his dwelling house in H. in the Countie of L. as in the said bill is suggested, this defend. as hee thinketh, is not bound now to take notice, being then a stranger thereunto, or whether the said G.C. vpon the former part of the insufficiēt consideration grounded vpon the premisses, or for, in, or vpon the latter, being a lame, blanke and imperfect, or rather no consideration, there naming nihil omnino to be by the said complainant payed vnto the said G.C. did assume and faithfully promise vnto the complainant safely to keepe and deliuer the said sheep, as in the said bil is alleadged, but this defendant saith, that if the assumption be grounded vpon any good consideration, then the complainont might haue his remedy at the common law, if he had any iust cause. And therefore this defendant, as he thinketh, might very well demurre the Lawe vpon the said bill, and demaund iudgement, if he shall be by this honorable Court compellable to answer the complainant any further. Neuertheles, forasmuch as this defendant hopeth that the said complainant shall neuer be able to proue his subtil supposed suggestions in the said bill set forth, and alleaged, For further answer vnto the said bil, saith, that true it is, that the said G.C. in the said bil mentioned, made his last Will and Testament in writing, and therof constituted this defendant his executor, and died, without that, that the said G.C. in his life time, imagining, and fraudulently

vulently intending the ſaid complainant in that behalfe craftily and ſubtilly to defraud and deceiue, did not only, not deliuer vnto the ſaid complainant the ſaid ſheep, nor any of them, according to his ſaid faith full promiſe and aſſumption, but contrariwiſe did take and conuert a great part of them to his owne proper vſe, ſelling ſome of them to diuers perſons to the ſaid compl. vnknown, for diuers ſummes of mony, conuerting the ſame to his vſe, and killing ſundry others of them in his houſe, and died poſſeſſed of the reſidue of the ſaid ſheepe, as in the ſaid Bill is vntruely and vncharitably alleadged againſt the ſaid G.C being now dead. For this defendant verely doth thinke and imagine in his conſcience, if ſuch ſheepe were deliuered to the ſaid G.C. to bee kept and deliuered as is aforeſaid, that then the ſaid G. did in his life time well and truly deliuer the aforeſaid ſheepe accordingly: without that, that after the death and departure of the foreſaid G.C. the poſſeſſion of the ſaid reſidue of the ſaid fiue ſcore and one Ewes, and fiue ſcore and one Lambes, being but the full number of foure ſcore Ewes, and three ſcore Lambs, worth thirty pounds and aboue, came to the hands and poſſeſſion of the ſaid R.C. now defendant, who imagining, and fraudulently intending the ſaid complainant in that behalfe craftily & ſubtilly of the ſaid ſheepe to defraud, and deceiue, hath in like maner ſold moſt part of the ſaid Ewes and Lambs ſo come to his hands and poſſeſſion, to ſundry perſons to the ſaid complainant vnknown, for diuers ſummes of mony betweene them therefore agreed vpon, and the money thereof ariſing, hath conuerted to his onely vſe and behoſe, as in the ſaid bill of complaint is very falſly ſurmiſed, ſet forth, and alleaged. And without that, that any other matter or thing in the ſaid bill materiall, to be anſwered vnto, and in this anſwer not ſufficiently anſwered, confeſſed, and auoided, trauerſed, or denied, is true. All which matters, &c. and prayeth, &c.

The Replication of W.P. Complainant, to the anſwer of R.C. Defendant.

Sect. 89

THe ſaid complainant for replication ſaith in all and euery thing and things, as he in the ſaid bill of complaint hath ſaid, and doth and wil auerre, iuſtifie, maintaine, and proue his ſaid bill of complaint in all and euery matter, thing and things therin contained to be good, iuſt, and true, certain, and ſufficient in the law to be anſwered vnto by the ſaid defendant in ſuch maner and forme, as they be in the ſame moſt truly ſet forth and declared, & not enuiouſly deuiſed, nor vnconſcionably contriued, imagined, and ſet forth, only of purpoſe to ver and moleſt this defendant vniuſtly, and to put him to great trauell, expenſes and charges of ſuit, and that without any iuſt cauſe, or good matter

as

as in the said answer it is by the said def. vntruely surmised. And this compl. further saith, that the said answer of the said defend. is very incertaine, vntrue, and insufficient in the law to be replied vnto by this complainant, for diuers apparant faults and imperfections therein contayned, And namely in this, that the said complainant, being in, and by the said bill of complaint, charged to haue had in his hands and possession, diuers of the said shæp, in the said bill mentioned, doth in his said answer neyther confesse nor denie the hauing therof, as by the said answer it appeareth, so that in reason he ought to be compelled by the order of this honourable Court, to make a better and more certaine and perfect answer vnto the said bill of complaint, Neuertheless, this defendant sauing vnto himselfe, at all times hereafter, all aduantage of exceptions to the manifest incertaintie and insufficiencie of the said answer for further replication thereunto, also further saith, that the said consideration in the said bill of complaint conteyned, is very sufficient to maintaine the said suit in this honorable Court, albeit that no other thing had bene departed with, on the part of this complainant, but onely the credite and deliuerie of the said shæpe, vnto the hands of the said G.C. and yet this complainant hopeth to proue, that there was giuen vnto the said G.C. for and on the behalfe of the said compl. very good matter of consideration for kæping and conueying of the said shæpe, as in the said bill is alleaged. And further this repliant doth, and will also auerre and proue, that diuers of the said shæpe since the death of the said G.C. haue come to the hands and possession of the said defend. which haue bẽ vnlawfully conuerted to his own vse, against all right, equity, and good conscience, without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said answer contained materiall or effectuall in the Law, to be replied vnto by this compl. and not herein before in this his replication sufficiently replied vnto, confessed, and auoided, denied or trauersed, is true. All which matters this compl. is ready to auerre and proue as this honorable Court shal award. And prayeth as he in his said bill hath prayed.

A Bill for a debt vpon a contract without witnesses.

IN most humble wise complayning, sheweth vnto your Hon. your poore and daily Orator T.B. of C. in the countie of Derby Mercer, That whereas about two yeres now past, one T.G. of B. in the countie of Y. Gentleman, bought of your said Orator, twelue yards of linnen cloth, price xx.s. and diuers other wares & merchandizes amounting in the whole to the value of twenty markes, or thereabout, for payment whereof the said T.G. earnestly required your said Orator to forbeare him the said T.G. for ỳ space of a month or therabout, then next Sect. 90.

nert following. And for the said T. G. did then faithfully assume and promise to pay the said debt, vnto your said Orator at the moneths end, your said Orator trusting to his bare promise, deliuered vnto the said T. G. the said cloth, wares, and merchandises, without taking any specialtie or other securitie for payment of the foresaid money. Now so it is, if may please your honourable L. that the said T. G. perceiuing that your said Orator can by no order of the common lawes of this Realme recouer the said money for want of specialtie or witnesses to proue the said assumption and contract, being very lately by your said Orator requested to pay the said money according to his said promise, yet neuertheles the said T. G. hath plainly affirmed and answered, that your said Orator shall not haue one peny thereof, which if it should so passe without relefe to your Orator herein, would turne to the great impouerishment and damage of your said Orator, who hath ouer many such debtors. In consideration whereof, the premisses tenderly considered, and for as much as your said Orator is without all remedie for the recouerie of the same by the strict order of the common lawes of this Realme, for want of specialtie or witnesse, as aforesaid: May it therefore please &c.

The Answer, and demurrer of the same.

Sect. 91. THe said defendant saith, that the said Bill of complaint is verie vncertaine, vntrue, and insufficient in the Law to be answered vnto by this def. for diuers apparant matters and causes therein contayned, deuised, and exhibited into this honourable Court, as this def. verily thinketh by the sinister aduice and perswasion of N. C. Attorney at the common law, of malice and euill will, to the intent to put this def. to vniust trouble and veration, That he the said N. C. may thereby gaine, by soliciting of this said matter in this Honourable Court, and not vpon any iust cause so to doe. And further saith the said def. That if the said matters mentioned in the said Bill of Complaint were true, as they be not indeed, yet were the same determinable and to be determined, at, and by the common Lawes of this Realme, and not by this Honorable Court, whereunto this defendant prayeth to be dismissed with his reasonable costes and charges wrongfully sustained hereabouts. Neuertheless, if he this defendant be compelled by this Honourable Court to make any further answere vnto the said vncertaine, vntrue, and insufficient Bill of Complaint, Then (and not otherwaies) the aduantage of exception, to the manifest incertainetie and insufficiencie of the said Bill of Complaint to this defendant alwayes saued: For further answere thereunto, and for a full and plaine declaration of the truth, touching the materiall contents of the said Bill

of

of complaint (if any such be) he this defendant saith, That true it is indeede, that about three yeares now last past, This said defendant or some of his seruants to his vse, did receiue of this complainant twelue yards of linnen cloth, halfe an ell of cloth, one quarter and an halfe of cloth, and two skaines of threed, which he thinketh to be parcel of the said wares in the said bill mentioned, & supposed to be bought by this defendant of the said complainant, which said wares were so receiued by this defendant or to his vse, as is aforesaide, to the intent that this defendant should pay to the said complainant, so much money for the same as should bee reasonably agreed vpon by this defendant, and the said complainant, which said bargaine and agreement, this defendant is, and euer hitherto hath bin ready to haue performed, without that, that the said defendant about two yeares now last past, did buy of the said complainant, the said twelue yards of linnen cloth, at, and for the said price of 22.s. or the said halfe elle of cloth for the said price of v.s. viij.d. or the said quarter and a halfe of other cloth, and two skaines of threed for the said price of xviij.d. for hee this defendant saith, that hee and this complainant did neuer to his remembrance agree to any certain price for the said wares, as in the said bill of complaint is vntruly alledged. And without that, that he this defendant did euer buy of this complainant the said tenne yards of veluet, or any part thereof, or any other wares or marchandises amounting in the whole to twentie marks, or for the paiment thereof, euer required the said complainant to forbeare him the saide defendant for the space of one moneth then next following, as in the said bill is wrongfully alledged. And without that, that hee this defendant did faithfully assent and promise to pay the said debt vnto the said complainant at the said moneths end. Or that the said complainant, trusting the bare promise of this defendant deliuered vnto him this defendant, the said cloth, wares, veluet, and marchandise, as in the said bill is vntruely alleadged. And without that, that hee this defendant perceiuing that this complainant can by no order of the common lawes of this realme, recouer any part of the said money, for want of specialtie or witnesse to proue the said supposed assumption and contract, hath plainely affirmed, that hee the said complainant shall not haue one peny thereof in such maner and forme as in the said bill of complaint is most vntruly and slanderously alledged, without that, that any other matter &c. thing, things, clause, sentence, article, or allegation, in the said bill of complaint contained, materiall or effectuall in the law to bee answered vnto by this defendant, and not &c.

A Bill

A Bill to be discharged of sundry bonds made by the Plaintife to diuers by the def. meanes, vpon promise that they should not preiudice them, layng open diuers cunning and lewd practises, to circumuent the Plaintife.

HVmbly complaining, sheweth vnto your honorable Lo. your daily Orator I. W. of W. in the Countie of Y. yeoman, That whereas about 16. yeres now last past, certain debts, controuersies, suits, & variances did arise betweene one T. L. of E. in the County of Y. yeoman, and your said Orator, and certaine other freeholders of the Lordship of Eccleshall aforesaid, concerning ỹ inclosing, vse, possession, & occupation of certaine parcels of waste or common ground called R. in E. aforesaid, wherein your said orator & other freeholders, and all those whose estate they then had, and yet haue in certaine lands in the said Lo. by all the time, whereof there is no memory of man to the contrary, haue vsed to haue common of pasture for their beasts and cattell, vpon ỹ said lands leuant & couchant at all times of the yere, at their wills and pleasures, as vnto their tenements belonging, which parcels of waste ground one N. S. Esquire, before that time had demised vnto the said T. L. for certaine yeares then enduring: for pacifying & ending of which said suits and controuersies, and of such suits & controuersies as were then betweene the said L. and S. touching the same and other things, your said orator and T. W. and other of the freeholders aforesaid, and the said L. by the meanes & intreatie of the said N. S. about the said time did submit themselues to the order, arbitrement, & award of I. F. R. P. C. W. and E. H. touching the said controuersies, and to thend that the said L. would be contented that the said suits betweene him & the said S. might rather by that meanes receiue a quiet end, then by extremitie of law, there being then great suits betweene the said N. S. and L. which the said L. would not otherwise compromit, your said orator & the said W. was bound vnto the said L. in one obligation of C. li. and vnto the said N. S. in one other oblig. of C. li. for performance of the said award, the said N. S. then promising to your said W. that within short time after the making of the said bond vnto him, he would haue cancelled or made void the said bond of C. li. made by them vnto the said N. S. the meaning of which bond, your said orator (being a simple vnlearned man) thought to haue reached no further, but to acts to haue bene done by himself against the said award, which he the rather so thought, because the said N. S. told him so, or to that effect, and they were only so agreed to haue the condition thereof made before the making thereof. And the said L. was also bound in C. li. vnto your said Orator, and the said W.

for

for the performance of this part of the ſaid award, And afterwards, viz. about the 11. yeare of the raigne of the M. Maieſtie that now is, the ſaid arbitrators made an award of the premiſſes, that the ſaid L. ſhould haue encloſed the ſaid grounds, during ſuch terme as he then had therein by the demiſe of the ſaid N. S. by Indenture without veration of your ſaid Orator the ſaid T. W. and other freeholders of the ſaid Lo. of C. by meanes of which award the ſaid L. enioyed the premiſſes euer ſince the making thereof accordingly, without any veration of the ſaid W. or your ſaid Orator, or any other the freeholders of C. aforeſaid, vntill ſuch time as the ſaid L. cauſed the ſaid premiſſes to be purchaſed or taken by leaſe, as lands concealed, and vniuſtly withholden from her Maieſtie, and thereupon cauſed ſuits to be commenced againſt diuers of the ſaid freeholders by information in the Ex. of intruſion ſuppoſed to be done by them into the ſaid premiſſes, which ſuit ſo long continued, that a verdict and iudgement therein were had for the ſaid freeholders, whereby their title to the ſaid common being then in iſſue, was ſpecially found, as by the records thereof remayning in the ſaid Court it plainely appeareth, whereupon ſome of the ſaid freeholders (as this compl. thinketh) entred into the ſaid premiſſes being vnfenced. And thereupon the ſaid L. commenced ſuit vpon the ſaid bond of 100. li. againſt your ſaid Orator and the ſaid W. albeit they neuer interrupted his poſſeſſion in the ſaid premiſſes, and the ſaid W. and your ſaid Orator for their indempnity likewiſe proſecuted ſuit vpon their bond of 100. li. becauſe the ſaid L. in his part had not performed the ſaid award, by meanes whereof your ſaid Orator, and the ſaid W. obteyned a verdict and iudgement againſt the ſaid L. for the ſaid C. li. L. his ſaid ſuit againſt them depending vntried, whereupon the ſaid L. ſeeing how vniuſtly he had dealt with the ſaid W. & your ſaid Orator about the premiſſes perceiuing in what ieoperdie he ſtood, and how in equitie he ought not to haue recouered any thing againſt your ſaid Orator and the ſaid W. by his ſaid bond, nor haue had any reliefe for the ſaid C. li. ſo by them recouered againſt him, he the ſaid L. meued your ſaid Orator and the ſaid W. by ſundry meanes to come to agreement with him for the ſaid C. li. ſo recouered againſt him, whereupon the ſaid W. and your ſaid Orator intending a generall quietneſſe for all bonds and matters concerning the ſaid premiſſes, at the great and importunat ſuit of ỹ ſaid L. & by the mediation of certaine honeſt men their friends, vpon ỹ faithful promiſe of the ſaid L. that he the ſaid L. would warrant him your ſaid Orator againſt the ſaid N. S. for his ſaid bond of an C. pounds, alleaging that N. S. had no cauſe to ſue the ſame, and that if he had, yet becauſe the matter of the ſaid bond principally concerned him the ſaid L. (as it did indeed) that if your ſaid Orator agreed with

him

him for the premisses, that then the said N. S. neither could nor would hurt him by reason of his said bond, the said iudgement for the said T. li. was released vnto the said L. by your said Orator hauing none other consideration therefore, then his said promise of quietnes and discharge of the said N. S. his said bond. Neuertheless, not long after the said agreement, the said L. perceiuing himselfe to be discharged of the said iudgement, and intending the vtter vndoing of your said Orator, contrary to his said promise, practised with the said N. S. touching the said bond by him and the said D. made vnto the said S. & procured ỹ same to be put in suit against them in the K. Maiesties bench. Albeit ỹ said N. S. had neuer any losse by reaso of any act done against the said bond to the value of one peny, since which suit the said N. S. and D. haue secretly growne to agreement betweene themselues, to thintent to lay the whole penalty of the said bond vpon your said Orator, Notwithstanding the said faithful promise of the said N. S. to deliuer in the said bond to be cancelled, and the said L. his promise was to saue your said Orator harmeless against the said N. S. for the same. Albeit the said N. S. neuer had any losse or hinderance by reason of the premisses, by meanes of your said orator, neither was any thing attempted or done by the said freholders against the said L. contrarie to the said award, otherwise then by the consent of the said N. S. who moued or procured the said freholders to enter in bond one to another, to beare the charges of suits for the defence of their said title of common in the said seuerall parcels of ground, called R. and T. promising them his ayde and furtherance therein, vnto some of which bonds the said N. S. hath subscribed his owne name as a witnesse of the deliuerie thereof, which their hard dealings against your said orator in the premisses, are much against all right, equitie, and conscience, to the vtter impouerishment and vndoing of your said Orator, his poore wife and children, wherefore the premisses gratiously considered, and for as much as, aswel the said premisses and agreements of the said N. S. with your said orator, and the said D. and the said practise had betweene the said N. S. and the said L. to put the said bond in suit, as also the said agreement made by the said N. S. and the said D. for staying of his said suit against the said D. and also the said promise or agreement of the said L. to saue your said orator harmeless against the said N. S. for the said bond was secretly made amongst themselues, and for that your said Orator trusting that they would faithfully haue performed the same to your said orator, called no witnesse to be present to heare the same promise made, and therefore is not able to produce any witnesse to testifie the premisses, nor hath any meanes to proue the same, otherwise then by the answers of the said N. S. and L. L. who he verely thinketh will in their

answers

anſwers to the premiſſes confeſſe the ſame: May it therefore pleaſe you Lordſhip, of your accuſtomed goodneſſe, to graunt vnto your ſaid Orator the Queenes maieſties moſt gratious Writ of Subpœna, to be directed to the ſaid N.S. and C.L. and to either of them, thereby commaunding them, &c.

A Bill for practiſing with the Plaintifes wife, to receiue of her the plaintifes goodes, and for receipt and detaining thereof.

HVmbly complaining, ſheweth vnto your good Lordſhip, your daily Orator I.I. of S. in the Countie of N. Gentl. That where as, about foure or fiue yeares paſt, your Orator being poſſeſſed of diuers goods, and diuers ſummes of mony, to a great valew, to the end that C.C. of W. in the ſaid County of N. M. his wife, and A. their daughter, now the wife of I. P. of H. in the ſaid Countie yeoman might the better bring to paſſe, indirectly to gaine and get into their or ſome of their cuſtodies and poſſeſſion, all, or the moſt part of the ſaid mony and goods, and by that meanes defraud or deſeate your Orator therof, by continuall & ſhifter practiſe, inſtigation, & perſwation, then allured, prouoked, and enticed A.I. deceaſed, being then your orators wife, to grow to ſome diſcord and variance with him, & to eſſoine and conuey into their, or ſome of their keeping, all, or the moſt part of the ſaid mony or goods, promiſing that the ſame ſhould be ready, and vſed for her vſe and behoſe: Now ſo it is, if it may pleaſe your good L. that by the ſaid lewd and bad practices of the ſaid C.P. and A.P. and of diuers other perſons by their meanes, whoſe names your orator knoweth not, your Orators ſaid wife about foure or fiue yeares ſince, and at ſundry times before, did with violence breake open ſome part of your Orators houſe at S. aforeſaid, his chiſts there being locked, and did eſſoine, ſtreale, imbeaſill, or conuey away from your orator ſeueall ſummes of money, and diuers parcels of his goods and houſhold ſtuffe, as well in the night ſeaſon, as in the day time, to a very great value, the certaintie whereof your Orator knoweth not, but is induced by good reaſon to beleiue, that it doth amount to the ſumme of 100. li. at the leaſt, and deliuered or cauſed the ſame to be deliuered vnto the cuſtodie and poſſeſſion of the ſaid C.C. and M. his wife, or A. his daughter, or of ſome other perſon or perſons, by their, or ſome of their meanes or conſents, whereof your Orator by ſome good meanes hauing had intelligence, hath ſundry times vſed ſpeech and communication with the ſaid C. M. and A. P. touching the ſame, and in moſt gentle and friendly manner required to haue the ſaid money and goods ſo eſſoined and imbeaſilled, as aforeſaid, to be to him reſtored, or elſe to haue ſome recompence for the ſame, but they haue vtterly re- Sect. 93.

fuseth to vse either the one or the other, and do still refuse to do the same, and do conuert and dispose the said mony and goods to their own vses, whereby your orator shal be vtterly thereof defeated, to his great hinderance and impouerishment, contrary to all equity and good conscience, vnlesse by your L. fauor he may be relieued in this most honorable court. Forasmuch therfore as your orator knoweth not the names or number of the said confederates, nor the seuerall and certain times wherein the said money and goods were conueyed away from him, as aforesaid, nor the quantity, nature, or value of them, whereby to make any lawfull demaund, or to vse any action by the strict course of the common lawes of this Realme, against them the said C. P. and A. P. or any other their confederats, for these great iniuries and wrongs, as aforesaid, but that the truth and certaintie of all these matters do rest in the priuate & proper notice of the said C. C. and P. his wife, and A. their daughter, or of some one of them, who no doubt vpon their corporall oaths wil disclose & set down the truth and certainty of all these matters: May it therfore please your honorable L. to grant vnto your orator the Q. maiesties gracious writ of Subpœna to be directed, &c.

The Answer to the same.

Sect. 94. THe said defendants say, that the said bill of complaint against them exhibited into this Honorable Court, is very incertaine, vntrue, and insufficient in the law to be answered vnto by the said defendants or any of them, for diuers and sundry apparant faults and imperfections therin contained and deuised, & exhibited into this H. court, partly of malice and euill wil, without iust cause conceiued against the said C. C. one of these defendants, to the intent thereby to ver and molest him, and his said wife and daughter, with vniust trauel and expences, but chiefely to the intent and purpose to wearie, impouerish, & terrifie him this def. with such suites, so that he shall neither be able nor willing to prosecute the law against him the said compl. for diuers great summes of mony which he oweth vnto him the said C. C. this defend. and vniustly detaineth from him, and not for any good or iust cause of suit: neuertheless, if by the order of this honorable court these defend. shall be inforced to make any further or other answer to the said incertaine, vntrue, and insufficient bill of complaint, then, & not otherwise, all aduantage of exception, to the manifest incertainty and insufficiencie of the said bill of compl. to these defendants, and euery of thē, at all and euery time & times hereafter saued. For further answer thereunto, and for a full and plain declaration of the truth of the premisses, These def. say, and euery one of them saith, that neither they, nor any

of

of them by continual and sinister practise, instigation, and perswasion, did not at any time allure, provoke, & intice A. I. deceased, then wife of the said complainant, to grow to some discord with the said complainant, and to eſloine and conuey into their or any of their keping, all or any of the said money and goods, in the said Bill of Complaint mentioned, promising that the same should be readie, and vsed for her vse and behoufe; to the end that they these def. or any of them, might the better bring to passe indirectly to gaine or get into their custodie and possession, all or the most part of the said mony and goods, and by that meanes to defeat and destraud the said complainants thereof, as in the said Bill of complaint is verie slanderously and most untrewly alleaged: And these def. further say, and euerie of them saith, that the said late wife of the said complainant did neuer with violence break open some part of the said complainants said house at D. in the said Bill mentioned, nor his said chist there being locked, nor did eſloine, imbeasill, or conuey away from the said complainant, seuerall, or any sum or sums of mony, and diuers, or any parcell of his goods or houshold stuffe, either in the night season or in the day time, by the practise of these def. or of any of them, or of any other person or persons, by their or any of their means as in the said Bill of Complaint is likewise verie malitiously and vntruly surmised, without that, that the said wife of the said complainant euer deliuered, or caused to be deliuered the said mony and goods in the said Bill of Complaint mentioned, or any part thereof, vnto the custodie and possession of these def. or of some of them, or of any other person or persons, by their or some of their meanes or consents, as in the said Bill of Complaint is also vntruly alleadged: and without that, that euer there was any cause why the said complainant did, or should vse any such speech and communication with these def. or any of them touching the premisses, or require to haue the said money and goodes supposed to be eſloined or imbeasilled, to be to him restored, or to haue some recompence for the same, or that these def. or any of them, do conuert and dispose of the said money and goods, or any part thereof, to their or any of their owne vses, whereby the said complainant shalbe vtterly thereof defeated, to his great hinderance and impouerishment contrarie to all right, equitie and good conscience, as in the said Bill of Complaint is likewise vntruly suggested: and without that, that any other matter, thing or things, clause, sentence, article or allegation, in the said Bill of Complaint contained, materiall or effectuall in the law to be answered vnto, by these def. or any of them, and not here in this their answers sufficiently answered vnto, confessed and auoided, denied or trauersed, is true. All which matters, &c.

The Replication to the Answer next before:

Sect. 95. The said complainant for and by way of replication saith, that his said bill of complaint exhibited against these defendants into this most honorable Court, is very certaine, true and sufficient in the Law to be answered vnto, and not deuised and exhibited into his most Hon. Court, of malice and euill will, without cause conceiued against the said C. C. one of the said def. to the intent thereby to vexe and molest him his said wife and daughter with vniust trauell and expences, as in the said answers is vntruly alleadged. Nor chiefly to the intent and purpose so to weary and impouerish and terrifie the said C. C. with such suits, that he should neither be able nor willing to prosecute the Law againg the said complainant, for diuers great summes of money, which he doth owe vnto him the said C. C. & vniustly detaineth from him, but is exhibited vpon iust cause of suit, as the said complainant doubteth not to make manifest and proue vnto this hon. Court, with that, that the said def. or some one of them, by sinister practise, instigation, and perswasion, did allure, prouoke and intice the said compl. wife to grow to some discord with the said compl. and to eloine and conuey into their, or some, or one of their keepings, the said mony and goods, in the said bill of complaint mentioned, promising that the same should be readie, and vsed for her vse and behoofe, to the end that they might the better bring to passe, indirectly to gaine or get into their, or some or one of their custody and possession the said mony and goods, and by that meanes to defeat and defraud the said compl. thereof, as in the said bill of complaint is verie truly alleaged. And also with that, that the said compl. wife did with violence breake open some part of the said compl. house at [illegible] in the said bill mentioned and his said chist there being locked, did eloine, steale, imbezill, and conuey away from the said compl. seuerall sums of mony, and diuers parcells of his goods and household stuffe in the night season, and in the day time, by the practise of the said def. or some, or one of them, or of some other person or persons, by their or some or one of their meanes, as in the same bill of complaint in likewise verie truly declared: and with that, that the said compl. wife did deliuer or cause to be deliuered the said money and goods in the said bill of complaint mentioned, vnto the custodie and possession of the said def. or of some or one of them, or of some other person or persons, by their, or some or one of their meanes or consent, as likewise in the said bill of complaint is most truly alleadged: and without that, that there was cause why the said compl. should vse speech and communication with the said def. or some or one of them touching the premisses, and require to haue the said mony and goods eloined and imbezled to be to him restored, or to haue some recompence for the same. And that the said

ſaid defendants, or ſome, or one of thē doe conuert and diſpoſe the ſaid money and goods, to their, or ſome, or any of their vſes, whereby the ſaid compl. ſhall be vtterly defeated thereof, to his great hinderance, as in the ſaid bill of complaint is likewiſe moſt truly alleaged: without that, that any other matter, cauſe, or thing, materiall or effectuall in the ſaid anſwers contained, to be by the ſaid complainant replied vnto, and herein not ſufficiently replied vnto, confeſſed, and auoided, &c.

A Bill for that the defendants haue got the Plaintifes bill for payment of money by them into their hands, and thereby meane to defraude him of the ſame.

HVmbly complaining, ſheweth vnto your good L. your daily orator N.L. of L. in the County of D. yeoman, That whereas a- Sect. 96.
bout two yeres now laſt paſt, your ſaid orator did ſell vnto one I.Ꝑ. G.W.Ꝑ.T. alias S. and R.Y. foure oxen and 3. kine, for fourteene pounds of lawfull Engliſh money: and at the ſame time made vnto your ſaid orator a bill of their hands for the payment thereof, at the feaſt of S. Michaell tharchangell laſt paſt. But now ſo it is, if it may pleaſe your Lordſhippe, that the ſaid bill of 14. li. is by caſuall meanes came vnto the hands and poſſeſſion of the ſaid I.Ꝑ.G.W.Ꝑ.T. alias S. and R.Y. or of ſome of them, who haue cancelled and defaced the ſame bill. And therefore, albeit they haue bene diuers times gently required by your ſaid orator to pay vnto him the ſaid 14. li. ſo to him due, yet that to doe, they and euery of them haue hitherto denied and refuſed, and yet doe deny and refuſe to doe the ſame, againſt all right, equitie, and good conſcience. In due conſideration whereof, and for that your ſaid orator hath no remedy to recouer the ſaid 14. li. without the ſaid bill, by the common lawes of this Realme: May it therefore pleaſe your good Lordſhip, &c.

A Bill for wrongfull entring into Copyhold lands intailed, detaining of them, and of the writings of the ſame, for waſting the ſame, and contriuing ſecret eſtates thereof.

IN moſt humble wiſe ſheweth vnto your good Lo. your daily orator A.G. of D. in the countie of D. That whereas one L. G. father Sect. 97.
vnto your ſaid Orator, was in his life time lawfully ſeiſed in his demeſne as of fee taile, to him and to his heires males of his body lawfully begotten, of, & in one meſuage or tenement with thappurtenances, ſcituate, lying, and being in W. in the ſaid county of D. And was likewiſe ſeiſed to him and the heires males of his body lawfully begotten, of, and in foure cottages, three cloſes or paſtures, and eight acres of

arrable land with their appurtenances, lying & being in W. aforesaid, being customarie lands, and holden of the M. maiestie, as of her highnesse manor of W. aforesaid, at the will of the Lord, according to the custome of the said manor: and the said T. G. being of all and singuler the premisses, with their and euery of their appurtenances so seised, as aforesaid, of such estate, died thereof seised. By and after whose death all & singuler the premisses, with their appurtenances, did discend vnto H. G. as son and nert heire male of the body of the said T. by force and vertue whereof, the said H. entred into all & singuler ẏ said premisses with their appurtenances, & was therof lawfully seised to him and the heires males of his body lawfully begotten. And he so being therof seised, of such an estate died seised: by and after whose death, all and singuler the said premisses, with their appurtenances, did discend and come to T. G. as son and nert heire male of the body of the said H. by force whereof, he the said T. entred into all & singuler the said premisses, and was thereof lawfully seised in his demesne, as of fē taile, to him and the heirs males of his body lawfully begotten. And he ẏ said T. so being therof seised, of such an estate died seised, without any issue male of his body: by and after death, all and singuler the said premisses with their appurtenances did discend & come vnto your said orator, as brother and nert heire male of the said T. G. But now so it is, if it may please your good L. that alwell the said deed of intaile, and all other the deeds, euidences, escripts, writings, & muniments, manifesting, forfeiting, defending, & proouing the estate, right, interest & title of your said orator, of, in, & to the said premisses, are by some casual or sinister means comen into the hands, custody, or possessiō of one R. W. and E. his wife, T. C. and A. his wife, J. D. and J. W. or some of thē, who by colour thereof haue entred into the said premisses, & receiued, perceiued, and taken the issues, profits and cōmodities therof, and cōuerted the same to their owne proper vses & behoofs, without yelding any consideration or recompence to your said orator for the same. And yet not so contented, but they the said R. E. T. A. J. and J. by colour of hauing the said deeds, euidences, escripts, writings, and muniments, haue not onely made great strep and wast of the premisses, but also contrined and made to themselues, and to other persons vnknowen to your said orator, diuers & sundry secret estates & conueiances of ẏ premisses, to the plaine disinherison of your said O. contrary to all right, equity, and good cōscience. And although your said O. hath diuers and sundry times by himself and his friends requested the said R. W. & E. his wife, T. C. & A. his wife, J. D. and J. W. and euery of thē to yelde vp the quiet possession of the premisses, and to deliuer vnto your saide orator the said deeds, euidences, escripts, writings, and muniments,

yet

yet they and euerie of them, so to doe, haue vtterly refused and denied and still doe denie and refuse, contrarie to all right, equitie and good conscience. In tender consideration whereof, and forasmuch as your said Orator knoweth not the contents nor certaine dates of the said deeds, euidences, escripts, writings, and muniments, nor whether they be conteined in bagges or boxe sealed, in chest or cupboord locked. And therefore is at, and by the strict course of the common Lawe of this Realme remedielesse for the recouerie of the same. May it therefore &c.

A Bill for detaining of an Indenture of lease for yeares.

Sect. 98

HVmbly complaining sheweth vnto your hon. L. your daily orator I. B. of N. in the parish of A. in the county of Y. Esq. & T. B. son and heire apparant of the said I. That whereas your said orator the 2. day of July, in the 8. yere of the raigne of our Soueraign Lady the Q. Maiestie that now is, did demise and to ferme let vnto one R. P. of B. in the said county Yeoman, all his moitie, or one halfe of his messuage or tenement called D. with all the landes, meadowes, closes, pastures, & commons vnto the same belonging, or in any wise appertaining, from the feast of S. P. the Bishop last past, before the date aboue said, vnto the full end & terme of xviij. yeares then next ensuing, fully to be compleat and ended. By vertue of which demise aforesaid, R. P. into the messuage or tenement aforsaid, did enter, as was lawful for him to do. And now sithence the making of the lease aforesaid, the said R. P. did often repaire and come to the house of the said I. B. & by that means in short time became very familyar with the said I. insomuch that he the said I. being aged, and by reason thereof also lyeth bedriden, and hath done for the space of many yeres. And finding the said P. to be very dilygent and carefull about him the said I. for the recouerie of his health did so affect the said P. as that he did wholly commit the custodie and keeping of all his euidences, leases, bonds and bils, amongst which the counterpain of the said P. his lease was. And vnlesse the said P. together with some of your said orators seruants haue secretly conueied & taken it away, as your said orator doth vehemently suspect, in that hee wanteth the same lease: by reason whereof he neither knoweth what conditions are contained in the same, neither what penaltie, if the rent be behind, or whether there be any diffesse for not paiment of the rent or els whether the lease be vtterly voide, if the rent be not payd at a certaine day, and what other couenants it containeth for prohibiting of waste to be done, as also for repairing of the messuage or tenement aforesaid with nedefull reparations, with diuers other couenants to many good purposes specified in the same lease. And for that also that

the said counterpaine is by some such indirect meanes as before is alledged, come to the hands of the said P. as also for that your Orator through want thereof by the strict course of the common lawes of this Land can not duely punish the breach of all, or any the covenants therein expressed, which on the said P. his part ought to haue bene performed and kept, for want of the said counterpaine. May it therefore please your good Lordship, &c.

A Bil for money for boarding with one, whose executor the plaintife is.

Sect. 99. HUmbly complaining, sheweth vnto your H. Lordship, your daily Orator D.C. of B. in the Countie of D. Yeoman, executor of the last Will and Testament of D.C. his father. That whereas about the first day of June, which was in the xviii. yere of the raigne of our most gratious Soueraign Lady the Q. most excellent Maiestie that now is one W.S. of P. in the said Countie Yeoman, at B. aforesaid, did put himselfe and A. then his wife to board with the said D.C. the testator, and there to remaine so long with the said testator, as it should please both the said parties, and the said W.S. in consideration therof, there faithfully agreed to pay and satisfie for the same vnto the said D.C. the testator or his executors, during such time as he & his said wife should remain at board with the said testator, so much lawfull English money as the said boarding should be reasonably worth and at such times as he should be thereunto required. By vertue of which putting to board, agreement, and faithfull promise, the said W. and A. his wife were at board with the said testator by the space of three whole years, or thereabouts, during all which time the said testator at his owne costs and charges did find vnto the said W. and A. conuenient and necessarie meat, drinke, and lodging, and at sundry times hay and grasse for the horses of the said W. which boarding, hay, and grasse, by the said space of three yeares aforesaid, was reasonably worth 40. li. at least. Yet the the said W. not ignorant of the premisses, nor regarding his said faithfull agreement and promise, but imagining and fraudulently intending vtterly to defraud D.C. the testator, and your said Orator his executor in this behalfe craftily and deceitfully to deceiue and defraud, albeit he hath bin oftentimes thereunto greatly required by the said testator in his life time, and by your said Orator his executor after his death, hath not paid or satisfied any thing vnto the said testator in his life time, nor vnto your foresaid Orator after his decease for the said boarding, meat, drinke, and lodging touching the premisses, that he and his said wife so remained at board with the said testator according to his said faithfull promise and agreement, but hath euer hitherto denied and refused therefore to satisfie and pay the said Testator in his life time, and your said Orator after his death, and yet both deny and

refuse

refuse to pay and satisfie your said Orator for the same, against all right, equitie and good conscience, and to the hinderances of the execution of the said last Will and Testament of the said Testator. In consideration whereof, and forasmuch as your said Orator hath none ordinary remedy to recouer any thing for the said bonding, and premisses by the strict course of the common Lawes of this our Realme of England aswell for that it was not certainely agreed vpon betweene the said W. and the said testator, how much the said W. should yeeld for the same: as also for that the said testator did so much credit the said W. that the said promise and agreement was priuately made betweene themselues, no person being thereunto called that might witnesse the same, so that if happily the said W. will not vpon his oath in his answer hereunto in this honorable Court, confesse the said promise and agreement, as your said Orator verely thinketh he will, your said Orator is vtterly destitute of witnesses to make proofe thereof. Albeit that it be most true, that the said agreement and promise, was made and agreed vpon, as is aforesaid, which your said orator hath sundrie times heard the said testator say and declare: may it please your good Lordship to grant vnto your said orator &c.

A Bill for not entring into bond to saue a fourtie harmelesse according to promise.

TO the most honorable wise and prudent Lord, sheweth vnto your Honor your daily Orator R. P. of W. in the Countie of S. Yeoman, that whereas one F. L. of S. in the said Countie of S. Yeoman, did borrow of one A. B. of S. in the said Countie of S. gentleman, the sum of 17 li. 12 s. of good and lawfull money of England, to and for the onely vse of him the said F. L. and of one R. L. of W. in the said Countie of S. Yeoman, kinsman to the foresaid F. L. and for the true discharging and paiment of the foresaid sum of 17 li. 12 s. because all the said R. L. was a man esteemed to be of verie small credit, and altogether vnknowne vnto the said A. B. therefore the foresaid R. L. earnestly requested and desired of your said Orator, being his verie neighbour, and of very long acquaintance and familiaritie with him, to enter into bond with him the said F. L. to the said A. B. for the true payment and satisfaction of the foresaid sum of 17 li. 12 s. and if in case your said Orator would enter into bond for him, then he the said R. L. did faithfully promise and affirme vnto your said Orator to enter into a counterbond of double value to his bond vnto your said Orator to discharge, and saue him harmelesse against the said A. B. his executors and administrators, of, and from all manner of actions, suits, accions, quarrells, troubles, molestations, Sect. 100

ſtations, and incumbrances whatſoeuer, which ſhould or might ariſe by reaſon or meanes of the ſaid obligation: whereupon your foreſaid orator (conſidering the great want and néede that the foreſaid R.L. did at that time ſtand in) truſting to his faire ſpeeches and promiſes, after long intreatie and requeſt to him made, your ſaid orator did conſent and agrée to become bounden with the ſaid F.L. to the foreſaid A.B. for the payment of the ſaid ſumme of 17.li.12.s. ſo that your ſaid orator might haue ſuch a counterbond from the ſaid R.L. to diſcharge and ſaue him harmeleſſe againſt the ſaid A.B. for, and concerning the ſaid bond, after which time, that is to ſay, the 25. day of March, in the nine and twentieth yeare of the raigne of our Soueraigne Lady the Queenes Maieſtie that now is, the ſaid F.L. and your ſaid orator by their writing obligatory, became bound to the ſaid A.B. in the ſumme of 40. li. of good and lawfull money of England, vpon this condition indorſed vpon the ſaid writing obligatorie, viz. that if the ſaid F.L. and the ſaid R.B. your ſaid orator, or either of them their heires, executors, adminiſtrators, of them, or any of them, did well and truely content and pay vnto the ſaid A.B. his executors and adminiſtrators, the ſaid ſumme of 17.li.12.s. of good and lawfull money of England, at or vpon the 25. day of March, in the yeare of our Lord God 1588. in the Church porch of S. betweene the houres of one and three of the clock in the afternoone of the ſame day, that then the ſaid writing obligatorie to be void and of none effect, or elſe to ſtand in full force and vertue: but ſo it is right Honorable, that the ſaid ſumme of 17.l.12.s. was not paid vnto the ſaid A.B. at the time and place mentioned in the ſaid condition, whereby the ſaid bond of 40.li. wherein the ſaid F.L. and your ſaid orator were bounden to the ſaid A.B. was, and yet continueth forfeited, the ſaid A.B. being not paid nor agréed withall, by reaſon whereof, your Honors ſaid orator is like to grow to great trouble and ſuit of Law for the ſaid bond: and albeit your Honors ſaid orator hath diuers and ſundrie times ſithence the making of the ſaid bond, promiſe and aſſumption, moſt earneſtly requeſted the ſaid R.L. to make vnto your Honors ſaid orator a counterbond, for the diſcharging and ſaning harmeleſſe of your ſaid orator againſt the ſaid A.B. for, and concerning the ſaid bond, according to his ſaid aſſumption and promiſe, yet that ſo to doe, the ſaid R.L. hath denied and refuſed euer hitherto, and yet doth denie and refuſe to doe the ſame, contrarie to all right, equitie and good conſcience: In tender conſideration whereof, and foraſmuch as your ſaid orator hath no ſufficient witneſſe and words of aſſumption to maintaine an action vpon his caſe at the Common Law, meaning nothing but plainly, whereby he is void of all remedie at the Common lawe: may it there-

fore

ſaye pleaſe your honour, the premiſſes conſidered, to grant vnto your ſaid Oratoz, the Queenes maieſties moſt gracious writ of Subpœna, to be directed to the ſaid R.L. &c.

A Bill for making falſe Affidanit for appearance.

IN moſt humble wiſe ſheweth vnto your good Lo. your L. oratoz N. F. of L. Gentleman. That whereas vpon ſuit heretofoze, and yet depending in this honozable Court, betweene your Lozdſhips ſaid oratoz then plaintife, and one R.A. defendant in the ſaid ſuite, her maieſties writ of Subpœna was out of this ſaid Court vnto the ſaid R.A. directed, commanding him thereby at a certaine day therein limitted, to appeare befoze your L. in the ſaid Court, and to anſwer to your L. ſaid Oratoz, in, and touching the ſaid ſuite: Now ſo it is if it may pleaſe your L. that the ſaid R.A. not hauing any regard of her Maieſties ſaid proceſſe of Subpœna, ſo to him directed, but ſeeking deceitfully and fraudulently to neglect and diſobey the ſame, procured one E.B. his ſeruant a very lewd perſon, and fit miniſter foz ſuch a purpoſe, to come vnto this honozable Court of Chancerie, and there moſt cozruptly, falſly, and periuriouſly, to ſweare and depoſe vpon the holy Euangeliſt, that the ſaid R.A. at that time was lame and not able to trauell to this Court, without great danger of his health, foz that the paines of his lamenes was ſuch, that he was perſwaded by his friends to goe to the Bath, being thirtie miles diſtant from his houſe, oz thereabouts, and that he was gone to the ſaid place with much adoe, and there remained at the taking of his ſaid oath, wherein the ſaid E.B. by the meanes, ſubozнation, and procurement of the ſaid R.A. hath moſt wickedly committed moſt wilfull and cozrupt periurie, Foraſmuch as the ſaid R.A. was at that time in very good & perfect health, ability, and ſoundnes of body, without any manner of lamenelle oz debility, ſo as he might haue very well trauelled without hurt oz danger of his health, and was at that time at C. in the County of L. and not at Bath, as the ſaid E.B. in his ſaid depoſition moſt vntruly depoſed. May it therefoze pleaſe your good Lozdſhip &c. Sect. 101.

A Bill to be relieued of an obligation with condition, for that the money was payed accordingly.

IN moſt humble wiſe complaining ſheweth vnto your good Lozdſhip, your daily oratoz N.R. of F. in the County of D. husbandman, and I.B. of A. in the ſame County husbandman. That where one N.B. of F. in the County of D. Gentleman, hauing need to vſe and borzow money foz his neceſſary vſe, entreated your ſaide Sect. 102.

Oratoz

oratoꝛ to boꝛꝛow of M. E. of A. in the said countie of D. widdow, the summe of xl. li. which your said oratoꝛ did accoꝛding to the requeſt of the said M. And foꝛ the repayment thereof to the said M. your said oratoꝛ became bound to her the said M. by obligation, in the summe of xl. pounds, with condition, foꝛ the payment of the said twenty pounds at a day now paſt, which twentie pounds he the said M. hath wel and truly contented, ſatiſfied, and paid to the said M. accoꝛding to the condition aforeſaid: which notwithſtanding, ſo it is, if it may pleaſe your good L. yet doth the said M. againſt all good dealing detaine the ſaide obligation in her hands, notwithſtanding ſundꝛy requeſts made unto her by your ſaid oratoꝛ, foꝛ the delivery thereof, againſt all right, equitie, and good conſcience, minding as it ſhould ſeeme to put the ſame in ſuite, either againſt your oratoꝛ oꝛ his executoꝛs when oppoꝛtunity ſerveth. In conſideration whereof, and foꝛaſmuch as your ſaid oratoꝛ hath not oꝛdinary remedy by the courſe of the cõmon law, to compel the ſaid M. to deliuer the ſaid bond, oꝛ to canceſl the ſame accoꝛding as in right ſhe ought to do. May it pleaſe your good L. to grant, &c.

A Bil for that the Plaintife hath not according to promiſe, procured an acquittance for rents by him payed to the Defendants by the appointment of his leſſor.

Sect. 103

HVmbly complaining, ſheweth unto your honourable Lordſhip, your daily oratoꝛ I. M. of M. in the County of Yoꝛke yeoman, That whereas about the firſt yeare of the reigne of the late King Edward the firſt, one I. M. late father of your ſaid oratoꝛ was lawfully ſeiſed in his demeſne, as of fee, of and in certaine lands and tenements with thappurtenances in D. and within the parish of D. in the ſaid Countie, and being thereof ſo ſeiſed, died thereof ſo ſeiſed. By and after whoſe death, the ſaid tenements and premiſſes with thappurtenances, deſcended and came, as of right they ought to deſcend & come to your ſaid oratoꝛ as ſonne and next heire of him the ſaid I. M. after whoſe death your ſaid oratoꝛ entred into the ſaid tenements and premiſſes with thappurtenances, and was thereof ſeiſed in his demeſne as of fee, and being thereof ſo ſeiſed, one meſuage oꝛ tenement, one garden, one oꝛchard, one cloſe oꝛ croft, thereunto adioyning, diuers lands, medows and paſtures, parcel of the premiſſes, were aſſigned to A. M. late wife of the ſaid I. M. deceaſed foꝛ her dower of the ſaid landes of her ſaid huſband, by foꝛce whereof ſhee was thereof ſeiſed in her demeſne, as of freehold, and ſhe being thereof ſo ſeiſed, afterwards, that is to ſay, about the vi. day of June, in the fourth and fifth yeare of the raigne of K. Philip and Qu. Mary, by Indenture dated the day and

yeare

yeare aboueſaid, granted and to farme did let vnto your ſaid Oꝛatoꝛ the ſaid lands, tenements and pꝛemiſſes, to hold from the date of the ſaid Indenture, vnto the end and terme of threſcoꝛe yeares, if he ſhould ſo long liue, reſeruing thereupon to her yearely, during the ſaid terme of lx. yeares, if ſhe ſo long liued, iij. li. of lawfull Engliſh money, which yearely rent of iij.li. your ſaid Oꝛatoꝛ did well and faithfully pay vnto the ſaid A. and her aſſignes vntill about the tenth yeare of the raigne of our Soueraign Lady the Quéenes Maieſtie that now is, at which time the ſaid A. did grant and aſſigne xxx.s. yerely, parcell of the ſaid yearely rent of iij.li. during her life, to one R.P. of C. in the Countie of M. Cutler. And afterwards, that is to ſay, about the twentieth yeare of her Maieſties ſaid raigne, the ſaid A. foꝛ ſundꝛie conſiderations did appoint the ſaid R. to receiue the other xxx.s. yerely reſidue of the ſaid yearely rent of iij.li. to his owne vſe. And your ſaid Oꝛatoꝛ euer ſince the ſaid grant and appointment hath yearely paied vnto the ſaid R. as well the ſaid xxx.s. rent, ſo to him granted by the ſaid A. as the ſaid other xxx.s. rent, reſidue of the ſaid iij.li. rent. In conſideration whereof the ſaid R.P. about the firſt day of June laſt paſt faithfully pꝛomiſed your ſaid Oꝛatoꝛ to pꝛocure and deliuer vnto him ſufficient acquitances, of the ſaid A. foꝛ all the ſaid rents which the ſaid R. had ſo, as is aforeſaid, receiued of your ſaid Oꝛatoꝛ by the appointment of the ſaid A. And whereas further (if it may pleaſe your good Lordſhip) about the eightéenth day of Aprill, in the ſeuen and twentieth yeare of the reigne of the Quéenes Maieſtie that now is, the ſaid R.P. being indebted to one W.S. of S. in the ſaid Countie Smith, in the ſumme of liij.s. iij.d. of Engliſh money, did intreat your ſaid Oꝛatoꝛ to be ſuertie foꝛ him to the ſaid W.S. foꝛ the payment of the ſaid ſumme liij.s. iij.d. to the ſaid W.S. at the Feaſt of S. Bartholomew the Apoſtle then next enſuing, which your ſaid Oꝛatoꝛ did accoꝛdingly, in conſideration thereof, the ſaid R.P. did then aſſume vpon himſelfe, and vnto your ſaid Oꝛatoꝛ faithfully pꝛomiſe, that if he the ſaid R.P. did not well and truely pay vnto the ſaid W.S. the ſaid liij.s. iiij.d. at the ſaid Feaſt of S. Bartholomew. That then he the ſaid R.P. would ſufficiently conney and aſſure to your ſaid Oꝛatoꝛ, the ſaid yerely rent of xxx.s. to him as aforeſaid, granted by the ſaid A. together with the ſaid déed thereof, and afterwards the ſaid R.P. did neither pay to the ſaid W.S. the ſaid ſumme of liij.s. iij.d. noꝛ any part thereof, at the ſaid Feaſt of S. Bartholomew, noꝛ at any time ſince, noꝛ did conney the ſaid yearely rent of xxx.s. oꝛ déed thereof to your ſaid Oꝛatoꝛ accoꝛding to his ſaid pꝛomiſe. But altogether contrarie to his owne pꝛomiſe hath pꝛocured the ſaid A. to ſue your Oꝛatoꝛ before the Quéenes Maieſtie, and her Honoꝛable Coun-

cell

rell, eſtabliſhed in the North parts, for xxb.li. x.s. as arrerages of the ſaid yearely rent of iij.li. ſuppoſing the ſame to be behind and vnpayd by the ſpace of eight yeres and a halfe, now laſt paſt, notwithſtanding that your ſaid Orator hath well and truely payd the ſame to the ſaid R.P. aforeſaid. And the ſaid R.P. although he hath bẽ oftentimes gently required by your ſaid Orator aſwell to procure him the ſaid acquittance of the ſaid A. for the ſaid rent of iij. li. as to make aſſurance of the ſaid yearely rent of xx. s. to him by the ſaid A. granted, yet that to doe, he hath euer hitherto denied and refuſed, and yet doth denie to doe the ſame againſt all right, equitie and good conſcience, and to the great hinderance and loſſe of your ſaid Orator. In tender conſideration whereof, and for ſomuch as the ſaid agreements, promiſes, and payments of the ſaid rents were priuately made betwéene your ſaid Orator, and the ſaid R. P. without any witneſſes thereof, for that your ſaid Orator repoſed ſo great truſt in the ſaid R.P. being his naturall brother, that he called no man to beare witneſſe thereof, ſo that he can haue none ordinarie meanes by the due courſe of the Common Lawes of this Realme, but is altogether remedileſſe to obtaine or recouer any recompence or damages thereof, vnleſſe the ſame R.P. will confeſſe the ſame to be true in his anſwer hereunto, as your ſaid Orator verily thinketh that he will. It may therefore &c.

A Bill for that the defendant, for whom the plaintife was ſuertie to pay certaine money, did neither pay the ſaid money, nor ſaue the plaintife hameleſſe.

Sect. 50.

HVmbly complaining ſheweth vnto your Honorable Lordſhip your dayly Orator H. H. of E. in the Countie of D. Yeoman. That whereas about the viij. day of October, in the xxij. yeare of the raigne of our Soueraigne Lady the Quéenes moſt excellent Maieſty that now is, your ſaid Orator, at the earneſt requeſt of one H.C. of C. in the ſaid County Yeoman, and R.C. his ſonne, for and with the ſaid H. did enter and become bounden vnto H.S. of E. aforeſaid Yeoman in one obligation or bond of xl.l. of lawfull Engliſh money thereupon indorced with condition, that if the ſaid H.H. and H.C. or either of them, their executors, adminiſtrators, or aſſignes, or any of them, did well and truely pay or cauſe to be payed vnto the ſaid H.S. his executors or aſſignes, the ſumme of xx.li. of lawfull Engliſh money, vpon the ninth day of October, which then ſhould be in the yeare of our Lord God 1581. at the now dwelling houſe of the ſaid H.S. in E. aforeſaid, that then the ſaid Obligation ſhould be void and of none

effect

effect. And the said H.C. and R.C. in cõsideration thereof, did then and there assume vpon themselues, and vnto your said Orator faithfully promise, that the said H.C. the summe of 20. pounds vnto the said H. S. vpon the said ninth day of October, in the yeare of our Lord God 1581. would well and truely pay, or cause to be paied, according to the said condition of the said obligation. And that the said H.C. and R.C. would from time to time, and at all times hereafter, saue and keepe harmeleſſe, and indempnified your said Orator against the said H.S. of, for, and concerning the said bond of 40. li. and of, for, and concerning all actions, suites, and troubles to be had or commenced against your said orator, for, or by reason of the said bond of xl. pounds. And also that they the said H.C. and R.C. would forthwith haue bẽn bound vnto your said orator by their sufficient obligat. in the summe of foure score li. for the so sauing harmeleſſe of your said orator against the said H.S. as is aforesaid. But now so it is, if it may pleaſe your honorable L. that the said H.C. intending your said orator in this behalfe, craftily and subtilly, to defraud and deceiue, hath neither payed vnto the said H.S. the said twenty pounds the said ninth day of October in the said yeare of our Lord God 1581. according to the effect and meaning of the said condition, nor at any time sithence, nor the said H.C. and R.C. haue become bounden vnto your said orator in the said obligation of fourescore pounds, to saue your said orator harmeleſſe against the said H.S. as is aforesaid, albeit that your said orator hath sundry times gently required them, and either of them so to doe, the same to doe haue euer hitherto refuſed, and yet doe refuſe and deny to doe the same against all right, equity, and good conſcience, contrary to their faithfull promiſe and assumption aforesaid, so that your said orator is likely very shortly to be enforced to pay vnto the said H.S. the same twenty pounds, which would be to the great damages and hinderance of your said orator, if speedy remedy be not in this behalfe by your good Lordship in due time prouided to preuent the same, wherefore, and forasmuch as your said orator giuing faith and credite to the said promiſe and assumption of the said H.C. did take their said promiſe and assumption of them, without calling any witneſſe to them to heare the same, so that your said Orator for want of such witneſſes hath no remedy by the common lawes of this Realme, nor otherwiſe to make them performe the said promiſe and assumption, vnleſſe the said H.C. and R.C. doe confeſſe the same in their anſwer to this Hon. Court, as your said Orator verily thinketh they will: May it, &c.

A Bill

A Bill for entitling himselfe to the seyle of a common, and for selling of woods therein growing.

Sect. 50.

IN most humble wise complaining, sheweth and cõplaineth to your Honor, your daily orator R. G. clerke, Prebendary of the Prebend, commonly called the Prebend of the Duerhall in Norwell, in the collegiate Church of Southwell in the countie of Nott: That whereas your said Orator was, and is seised in his demesne as of fee, in ỹ right of the said Prebend, of, and in one manor in Norwell, in the said countie, whereof certaine woody grounds and springs, being most commonly open, and the herbage thereof, taken and vsed as common by the tenants and other inhabitants of the same Manor and Towne of N. aforesaid in parcell. And the tenants and inhabitants of the same Manor and towne of N. aforesaid, as tenants of the same manor. And other tenants and inhabitants within the townes and villages of C. and R. that is to say, by them as Commoners because of vicinage, by reason of which said woody and spring of grounds, vsed as common, as is aforesaid, part whereof is parcell of the same Manor of N. containing by estimation twentie acres, extending in length from a certaine oake tree, being a boundarie oake betwixt the same & such other like grounds being parcell of another prebend in the collegiate church of S. aforesaid, commonly called the Prebend of the Featherhall or Palacehall in N. aforesaid, and from thence extendeth along, by a place where three trees lately there did grow, cõmonly called the three brethren, and so frõ thence along by the Meare, which is as it hath bin an ancient dry ditch cast vp as it were, or had bene a Meare Southward betwixt the seuerall lords & owners of the lands in ỹ place, that is to say, first Eastwards, between the lords and owners of the same lands, and the manors and lands of Caunton & Westthorp, and westward vnto the manor of Kirkfall, and from thence downeward west vnto the parke pale of R. and by the same parke pale Northward by a certaine little riuer of water, vnto certaine of the like lands and tenements of the said other manors of N. aforesaid, and so Eastward vpward vnto the foresaid ancient oake, which said parcell of ground, one R. W. and F. P. gentleman, & one R. T. yeoman, pretending to haue seuerall manors in C. aforesaid, And hauing diuers deeds, Charters, euidences, boundaries, terrars and muniments, concerning the premisses of right belonging to your said Orator, casually or by some sinister meanes come to their hands, do not onely claime the same to be parcell of their seuerall said manors: But also vnder pretence of their said pretended and vncertaine claime, not onely some of them, but also diuers other vnder the colour and permission of some of them hath cut

and

and caused to be cut downe the most part of the best trees growing vpon the said parcell of wood ground, as in truth all that was felled did growe there in a corner thereof towards the East part, containing like xij. acres, and that in absence of your said Orator then being, and yet remaining a student in the Universitie of Cambrige, that is to say, a fellow of Gunvill and Caius Colledge, and not so contented, but considering your said Orators absence, daily and continually, doth continue their former claime to the said ground, within the meares and bounds aforesaid, and so do cut down & cause to be cut downe the residue of the wood there growing, & so will very shortly leave none there. And also by colour and reason of the said permission, they will shortly by such indirect means and practise, win, and get the freehold and inheritance thereof to them, as they have in other the waste, common, and like grounds, within the manor, of, or in C. or at the least have none able to testifie the contrary, whereas now in truth there are diuers and sundry sufficient and ancient witnesses, being very aged, and some of them very impotent, that can and will travell so farre as they are able to travell, to testifie vpon their oathes the trueth of the premisses in manner and forme, as before in effect is alleaged, and more for the better proofe of your said orators right, and to the said last recited premisses, if cause need shall so require, that the said R. W. F. B. and R. T. vpon their answer vnto the matters in this bill of complaint, will not confesse the truth therein, as it is most credibly to be presumed they will, and the rather, for that, if they will deny the same, they know in proceeding vpon the answers to this bill, all the whole trueth concerning the premisses must be examined by depositions of witnesses, and their depositions, if order presently be not taken of the same, shall and may remaine of record in perpetuam rei memoriam, to do further therein, as by this honorable Court shall be awarded, wherefore the premisses tenderly considered, and also the incertaintie, whether the said R. W. F. B. and R. T. or any of them will confesse the whole trueth, concerning the right and title of your foresaid Orator to the same: And the wrong and damnage by them, and other by their meanes and consent to him done. And if they should not, the uncertaintie whether that the foresaid ancient, aged, and impotent persons or any of them that now be liuing, and can testifie the truth concerning the same shall be liuing when the same shall come in triall, at, or by the course of the common Lawes, to whom the right of the freehold and inheritance thereof doth of right belong, ouer and besides the impotencie, that they or most of them may haue at such time and times, to travell to witnesse and testifie the trueth concerning the premisses, with this, that your saide Orator doth not knowe the certaine date

or dates of the said deedes, charters, euidences, bondes, billes, terrars, munimentes, or wherein the same be contayned, whether in baggs, or bore, sealed, or locked, or otherwise, and so without remedie further recouerie of the same, and redresse for the wrong aboue said, or by order of the common lawes of this Realme. It may therefore &c.

A Bill against the executors for that the Testator did not deliuer specialties paid, whereupon they threaten to sue the Plaintife.

Sect. 106.

In most humble wise complayning, sheweth to your good Lordship, your poore and daily orator G. M. of T. in the countie of D. yeoman, That whereas your said Orator about the month of Januarie, in the 30. yeare of the raigne of our soueraigne Lady Elizabeth, the Queenes Maiestie that now is, by his seuerall bonds or writings obligatorie became bound to one R. D. now deceased, for the payment of seuerall summes of mony vnto the said R. All which said summes of mony, and euerie parcell thereof your said orator hath truly satisfied and payed to the said R. D. in his life time, according to the purport and effect of the said seuerall bonds and writings obligatorie, not taking anie of the specialties, or any acquittance or discharge from the said R. D. for the same, but onely trusted the words of the said R. D. who faithfully promised your said orator to send the same specialties to your said orators house, at Tatley aforesaid, or sufficient acquitance for the same. But now so it is, if it may please your good Lordship, that since the death of the said R. D. the said obligations and writings obligatorie are come to the hands and possession of R. C. of D. in the countie of Yorke Yeoman, and T. C. of D. aforesaid Yeoman, who by colour of hauing thereof, haue now of late in their owne names as executors to A. D. late wife of the said R. D. and executrix of the last will and testament of the same R. commenced suit in her Ma. Court of Common pleas at Westminster, against your said poore orator, vpon one of the said obligations or writings obligatorie of the summe of xx li. or thereabouts, indorsed with condition for the payment of xl. li. at a day mentioned in the same condition, and do threaten to put the rolles of the said specialties in suit against your said Orator, meaning and intending thereby to recouer against your said orator the penalties of the said seuerall obligations and writings, who hath already paid the principall and one debts to the said R. D. in his life time as aforesaid, which is contrarie to all right, equitie, and good conscience. In consideration whereof, and forasmuch as your L. ordships said Orator hath not any witnesses now liuing, that can testifie the payment of any of the said summes of money, or any part or parcell thereof, and therefore cannot proue any

matter

matter in barre at the common law to the said actions already commenced by the said E. and C. whereby your said Orator, by the strict course of the common lawes of this Realme, is altogether remediesse, unles your L. accustomed goodnes be to your said poore Orator extended. May it therefore please your good L. &c.

A Bill against executors upon a primat promisse made by their testator, retaining an Attorney to prosecute and defend suits for himselfe and others, alleaging that the executors have wasted the Testators goods &c.

HUmbly complayning, sheweth unto your honorable L. your daily Sect. 107
Orator W. W. of F. in the county of Y. Gentl. one of the Attornies of the K. maiesties court of common pleas, before her Highnesse Justices, to be holden of the same Court: That whereas one I. Y. of L. neere F. in the countie of Notting. esquire deceased, in his life time, that is to say, about the terme of the holy Trinitie, which was in the yeare of our Lord God 1586. did retaine the said W. W. to be of counsell with him the said I. Y. to prosecute and defend diuers and sundry suits, pleas, and businesses to be done, and had in the said court of common pleas, as well for the said I. Y. as for diuers others his then servants and bailifes, and tenants, and namely for the said I. Y. against R. G. in a writ of Replevin for three kine of the said R. supposed to bee vniustly taken and detained by the said I. Y. And for the saide I. Y. against Y. L. in a Replevin of the said Y. for fiue oxen supposed to be taken and vniustly detained by the said I. Y. And for the said I. Y. against I. Y. in a Replevin for two kine of the said I. Y. supposed to be taken and vniustly detained by the said I. Y. And for the said I. Y. against E. S. in a Replevin of certaine cattell of the said E. supposed to bee taken, and vniustly detained by the said I. Y. And for R. R. and W. S. against R. L. for three oxen of the said R. Y. supposed to be taken and vniustly detained by the said R. R. and W. S. And for I. S. and R. S. against Y. L. alias W. in a Replevin, for certaine beasts of the said Y. S. supposed to bee taken and vniustly detained by the said I. S. and R. S. And for R. R. and W. S. against R. Y. in a Replevin of diuers beastes of the saide R. Y. supposed to bee taken and vniustly detained by the said R. R. and W. S. And for I. S. and L. W. against E. E. in a Replevin of certaine beastes of the said E. E. supposed to bee taken and vniustly detained by the said I. and L. W. And for the said I. S. and L. W. against the said R. E. in another Replevin of certaine beastes of the said R. E. supposed to be taken and vniustly detained by the said I. S. and L. W. taking for his fee and labor, for every one of the said pleas and busines, so as is said in the same court by him to be prosecuted and defended for every terme

in which your said orator should so be atturney for him or them, or any of them, 3.s.4.d. And besides that fee, all reasonable costs and expences about the prosecution of the same suits, pleas and businesses, as for the writing of writs, sealing of them, and drawing & entring of pleas, and warrants of atturney, and for all other things in that behalfe, by him your said orator be laid forth and expended, and in consideration therof, he the said F.M. did about the same time assume vpon himselfe, and vnto your said orator faithfully promise, well and truly to content, satisfie and pay vnto the said orator whensoeuer he should be thereunto required by your said orator as well the said fee of 3.s.4.d. for entrie of the said suits, pleas and businesses so to be prosecuted, as also al the said costs and expences, so as is aforesaid, to be laid forth in that behalfe: by reason of which retainer and promise, so as is aforesaid made, your said orator was of counsell with the said I.M. and the said other persons in the said suits and pleas in the said Court, by the space of 8. seuerall termes next ensuing the said retainer, and during the said time did prosecute and sue for and defend diuers suits and writs, aswell iudicial as originall, as by the records thereof remaining in the said Court appeareth, by reason wherof your orators fees for the prosecution & defending of the said suits or pleas by the said time did amount vnto x.l. or thereabouts, besides the costs & expences laid out by him in the same, which costs & expenses laid out by your L. said orator, did amount vnto 8.li.19.s.9.d. which were behind and vnpaid vnto your said orator, by meanes whereof action accrued vnto your said orator to demand and haue of the said I.M. in his life time the said sum of 18.li.19.s.9.d. and of the said A.M. vnto whom the administration of all the goods & chattels which the foresaid I.M. had at the time of his death, were after his death lawfully committed, yet therefore the said I.M. in his life time the said sum of 18.li.19.s.9.d. nor any penie therof, though oftentimes in his life time thereunto by your said orator required, or the said A.M. his administrator after his death, notwithstanding that the goods and cattels which were the said I.M. be sufficient for the payment of the said 18.li.19.s.9.d. vnto your said orator, and of all other debts which the said I.M. ought to haue paid, did come to ỹ possession of the said A.M. & stil remain in the possession of her the said A.M. or of such person & persons, vnto whō the hath yelded, left or deliuered the same, notwithstanding that she hath sundry times since ỹ death of the said I M. bin gently required by your said orator to pay to him the same 18.li. 19.s.9.d. or any part thereof, hath not yet paid and contented, but the same to content and pay hath euer hitherto denied & refused, & the said A. doth yet denie and refuse to pay the same, thereof intending vtterly to defraud and deceiue your said orator against all right, equitie,

and

and good conscience, notwithstanding also that she the said A. M. hath
her selfe at diuers times heard the said I. M. in his life time promise,
that he would pay vnto your said Orator all such summes of money, as
were behind vnto your said Orator, and notwithstanding also, that she
well knoweth, that the foresaid sum of 18. li. 19. s. 9. d. was due vnto
your said Orator by the aforesaid I. M. in his life, by reason that shee
hath seene, and hath a particular bill therof, which was sent and deli-
uered to him in his life time by your said Orator, and notwithstanding
also, that shee herselfe since the death of the said I. M. did assume and
faithfull promise to pay vnto your foresaid Orator, all such money as
was due vnto him at the said time of his death, if she the said A. M. did
take vpon her the administration of his goods and chattels, which shee
hath done as is said. All which things she the said A. hath done partly by
her own iniurious mind, but chiefly by the wicked and sinfull perswa-
sion of R. M. Gentleman her sonne, by whose counsell and perswa-
sion she hath closely and secretly conueied away a great part of the said
goods being of very great value, to diuers places and persons, to your
said Orator vtterly vnknowne, and left the same out of the Inuentory
of the said I. M. his said goods which she hath exhibited: and also hath
caused such goods and chattels, as be mentioned in the said Inuento-
rie, to be praised much vnder the value thereof, and a great part therof
to be left vnsold therein so confusedly and inconueniently, that it can-
not well be knowne, either what they be, or of what value. And fur-
thermore she the said A. by the like sinister counsell & perswasion hath
consented and caused one H. B. and T. C. and diuers other persons bee-
ing her speciall friends conenously to commence diuers and sundry frau-
dulent actions of debts and executions against her, as dum infra tempora
of and to the same I. M. suffering herselfe therein to be conuicted and
condemned, though in very truth either nothing or very litle was due
vnto them, and in a manner nothing at all taken of her by them, by ver-
tue of the said actions and executions, to the intent therby to dazle the
eyes of your Orator, and of other the creditors of the said I. M. not
knowing the truth of the same vngodly deuises, intending by such
meanes to defraude and defeate your said Orator, and the rest of his
said Creditors, of the most part of their seuerall debts, which their vn-
lawfull practises are like to be to the great losse and hinderance of your
said Orator, if speedy remedy be not by your good Lordships meanes
prouided to meet with and preuent the said vnconscionable and vniust
dealing in the premisses, for that the promises and assumptions of the
said I. M. and A. M. were made secretly and priuatly vnto your said
Orator, no persons being present with them at the making of the said
seuerall promises, nor any man liuing which can testifie the same, so

that your said Orator for want of such proofe thereof as is requisite by the strict course of the common lawes of this Realme, is altogether remediesse, if it be not by the order of this honorable court, wherein your L. said Orator hopeth, and verily thinketh, that she the said A. P. in her answer to the premisses, vpon her corporal oath will confesse the same, to be in effect, as it is herein set forth and disclosed: May it therefore &c.

A Bill for diuers euidences.

Sect. 108

HVmbly complaining, sheweth vnto your L. G. Earle of S. That whereas the said Earle is lawfully seised in his demeasne as of fee, of, and in the manor of S. in the county of P. and in the hundred of S. with thappurtenances in the county of D. and of, and in the castle and manor of S. with thappurtenances in the county of P. and of the castle and manor of B. in the county of D. and of and in the castle and manor & hundred of B. in the county of D. with thappurtenances, and of, and in diuers messuages, lands, tenements, hereditaments, franchises, and liberties, to the said seuerall manors and hundreds belonging; Now so it is, if it may please your good L. that diuers & sundry Court-rolls, charters, euidences, exemplifications of records, extracts, terrars, pleadings, writings, and muniments, concerning the said seuerall manors, hundreds, and premisses with thappurtenances, and of right belonging vnto the said Earle, and whereby the said Earle should make his title vnto the said manors, hundreds, liberties, and premisses with thappurtenances, or to the most part therof, are by casual means come vnto the hands, custody & possession of one N. C. of S. in the county of D. And albeit ỳ the said earle hath sundry times sent vnto the said N. C. gently requiring him to deliuer vnto the said Earle the said court-rolles, charters, euidences, exemplifications of records, extracts, pleadings, writings, and muniments, yet that to doe, the said N. hath euer hitherto vtterly denied, and yet doth deny to doe the same, against all right, equity & good conscience: In tender consideration whereof, and forasmuch as the said Earle knoweth not the certaine dates, & other the certainties of the said deeds, charters, euidences, exemplifications &c. neither wherin they, or any of them be contained, and therfore hath not any ordinary remedy by the common lawes of this realm to recouer the same deeds, euidences, &c. or any of thē, and wanting the same deeds &c. is in danger to lose many franchises, liberties, and commodities belonging to the said seuerall manors, hundreds, and premisses: May it therefore please your hon. L. to grant vnto the said Earle the Mu. maiesties most gratious writ of Subpœna, to be vnto him directed, commaunding him to appeare before your honorable Lordship, in her Maiesties high Court of Chauncerie.

A Bill

A Bill for not making of an assurance of lands according to a covenant, alleadging the Indenture thereof to be come to the defendants hands, and that some of the defendants were within age at the making of the same Indenture.

COmplayning, sheweth vnto your ho. L. Gilb. Earle of S. sonne and heire of the right hon. George late Earle of S. deceased, and administrator of the goods and chattels which were the late Earles at the time of his death. That whereas about the moneth of Sept. which was in the 32. yeare of the raigne of the M. most excellent Maiestie that now is, one R.E. of H. in the Countie of D. gentl. was seised in his demesn as of fee, of, & in one annuitie or yerely rent charge of 20. li. by the yere, issuing and going forth of certaine lands in B. in the said Countie of D. and of, and in one other annuitie or yerely rent charge of 40. markes by the yeare, issuing & going forth of certaine lands and tenements in B. aforesaid. And where also he then had to him and his heires, to the vse of him and his heirs for euer, by conueiance from one P.B. Esquire, one melting house and certaine ground then lately vsed to the same. And where further the said R.E. by conueiance from the said P.B. then had to him and his heires for euer, the tithe of the corne and hey renewing, coming or growing within B. aforesaid, or elsewhere within the seuerall Parishes of D. or S. or either of them, in the said Counties of D. And where also one T.E. son and heire apparant of the said R.E. then also had by conueiance from the said P.B. to the vse of the said T.E. and his heires for euer, diuers and sundry lands, tenements & hereditaments, with the appurtenances in B. aforesaid. And where also one G.E. second son of the said R.E. then had by conueiance from the said P.B. vnto the vse of the said G.E. his heirs and assignes for euer, the Manor of B. with the appurtenances, and diuers lands, tenements & hereditaments, with thappurtenances, as by seuerall conueiances of the said seuerall tenements, things & premisses, to the said R.T. & G. before that time seuerally made appereth: by force whereof they were thereof lawfully seised seuerally in their seuerall demesnes, as of fee: and being thereof so seised, they the said R.E. T.E. & G.E. for a certaine sum of money to them well and truly paid by the said late E. & for other considerations them especially moving, by Indenture bearing date, in, or about the said moneth of Sept. in the 32. yere aboue said made betwen them on the one partie, and the said E. late Earle of S. on the other partie, did fully, freely, and absolutely alien, grant, bargaine and sell vnto the said E. late Earle of S. his heires and assignes for euer, the said Manor of B. with all his rights, members and appur-

Sect. 109.

tenances in the said county of D. and al and singular messuages, tofts, cotages, houses &c. to the said manor of B. belonging or in any wise appertaining: and all other the messuages, lands, tenements, tents, reuersions, seruices and hereditaments of the said R. E. & G. E. & euery of them whatsoeuer, scituat, lying &c. together with all the reuersion & reuersions, remainder and remainders, of all & singular the premisses, and euery part ther of with the appurtenances, and all estate, right, title, interest, claime, vse, possession and demand of them the said R. E. T. E. & G. E. and of euery of them whatsoeuer, of, in & to the said manor, messuages, lands, tenements, hereditamens and other the premisses before mentioned, and of, in, and to euerie part thereof: excepting and reseruing one grant made by the said B. B. to the said R. his heires and assignes for euer, of common of pasture for all &c. To haue and to hold the said manor, lands, tenements and premisses, with the appurtenances (except before excepted) vnto the said G. late Earle of D. his heires and assignes for euer, to the only vse of him the said late Earle, his heires and assignes for euer: and in consideration of the premisses, the said late Earle by the said indenture of bargain and sale, did grant vnto the said R. E. his heirs and assigns for euer, to the only vse of the said R. his heirs & assignes for euer, one annuitie or yerely rent charge of C. l. of lawfull English money, to be issuing and going out of all and singular the said manor, lands, tenements and premisses (except before excepted) and except such lands, tenements & hereditaments, as were then assured or conueyed for the ioynture of the right hon. Eliz. then, and yet Countesse of D. to be payed at the Feast of S. Michaell the Archangell, and the Annunciation of the virgin Marie, by euen portions, or to this or the like effect and meaning, as in and by the said Indenture of bargaine and sale amongst other things plainely appeareth the precise contents whereof this complainant can not more certainly set downe, for want of the said indenture. And whereas also (as this complainant hath heard) it was in, and by the said indenture of bargaine and saile conenanted and granted on the part of the said R. E. T. E. and G. E. to and with the said G. late Earle of D. their respectiue graunts said late father, his heires and assignes, and euerie of them, that they the said R. E. T. E. and G. E. their heires and assignes, and euery of them, other then such person and persons for the time being, whose estates and interests are in the same indenture excepted, their executors, administrators and assignes, and euerie of them, in respect onely of the same estates and interests so excepted, and euerie of them, should and would at all times hereafter, for, and during the space of certaine yeares, next ensuing the date of the said indenture of bargaine and sale, wholy surrendred and exprest, at, and vpon the lawfull

and reasonable request, and at the costs and charges in the law of the said Earle, his heires or assignes, or some of them do, make, and knowledge, and suffer, cause, and procure to be done, made, and knowledged all and every such further, lawfull, and reasonable act and acts, thing and things, devise and devises in the Law whatsoever, for the further and more better assurance, suretie and sure making and conveying of the said manor of B. and the messuages, lands, tenements and premisses, with the appurtenances, in the said indenture mentioned to be bargained and sold (except before therein excepted) unto the said Earle his heires and assignes, to the only use and behoofe of the said Earle, his heires and assignes for ever, according to the true intent and meaning of the said indenture, were it by fine, scoffement, recouerie, deed, or deeds inrolled, the inrolement of the said indentures, release, confirmation with ioint or seuerall warrantie of the said R. E. T. E. and G. E. their, and euerie of their heires against them the said R. E. T. E and G. E. their, and euerie of their heires and assignes, and euerie of them, and against all and euerie other person and persons whatsoeuer clayming, in, by, from, or vnder them, or any of them, or otherwise with like warrantie, or without warrantie as by the said Earle, his heires or assignes, or his or their counsell learned in the lawes, should be deuised, aduised, and required, so as none of the said actes or things conterning the said further assurance stretch or extend to any other or further warrantie or warranties of the premisses, or any part thereof, then as is before expressed, or to the effect and meaning, as in the same Indenture of bargaine and sale appeareth: But now so it is, if it may please your H. L. that at the time of the making of the said indenture of bargaine and sale vnto the said late Earle, the said T. E. and G. E. were within and vnder the age of 21. yeares: And shortly after the making of the said indenture, and before the same was either knowledged or inrolled, or any estate executed thereupon, by Atturnement, Liuerie of seisin, or otherwise, that is to say, vpon, or about the 17. day of November, next insuing the making of the said indenture, the said G. late Earle of D. died, by and after whose death, the right to haue and inherit the said manors, lands, tenements, and premisses with the appurtenances, discended and came, as of right the same ought to discend and come vnto this complainant, as his eldest sonne and next heire, shortly after whose death, the administration of all the goods and chattels of the said G. late Earle of D. was by the right reuerend father in God, I. by the prouidence of God, Archbishop of Canterbury, Primate and Metropolitans of all England, committed to this complainant now Earle of D. who administred the said goods and chattels accordingly. And further so it is, if it may please your good Lordship,

that the part or counterpaine of the said Indenture of bargaine and sale belonging to the said late Earle, is since the death of the said late Earle by casuall meanes come to the hands, custody, and possession of the said R.E.T.E. and G.E. or some of them, or of some other person by their priuity and consent, the full contents whereof are vtterly vnknowne to this compl. by colour whereof, and for that the said T. E. and G.E. were so, as is aforesaid, within age at the making of the said Indenture, they the said R.E.T.E. and G. E. hauing a great desire to haue the said manors, lands, tenements, and bargained premisses, and thereof to disinherite and defeate this complainant, contrarie to the true intents and meaning of the said Indenture: Notwithstanding that this complainant hath verely sithence the making of the said Indenture, well and truely satisfied and paid vnto the said R.E. the said Annuitie or yearely rent charge of 100. li. by the yeare, in the said Indenture mentioned, according to the tenor, forme, and effect of the same Indenture (as this complainant verely thinketh.) And notwithstanding that this complainant hath sundry times, aswell by himselfe, as by diuers other of his seruants and friends in his behalfe, sent and come vnto the said R.E.T.E. and G.E. gently requiring them, and euery of them, to deliuer vnto your said orator, the said part or counterpaine of the said Indenture of bargaine and sale of the premisses: And also to make vnto him this complainant and his heires, further conueyance and assurance of the said manor, tenements, and premisses, by fine to be leuied before the Iustices of the Common pleas at Westminster, and for that purpose in the terme of S. Hillarie, which was in the 34 yeare of the Queenes Maiesties raigne that now is, at Westminster in the Countie of Middlesex, this complainant required the said R. and T. according to the tenour, true intent, and meaning of the said Indenture of bargaine and sale thereof, to come before Sir E.A. knight, then, and yet chiefe Iustice of her Maiesties Court of Common pleas at Westminster, to make cognisance before the same E.A. knight of the said manor, tenements, and premisses, with the appurtenances, in forme of Law, that a fine thereupon might haue bin leuied, to the vse of this complainant, and his heires for euer, yet that to doe, they and euery of them haue euer hitherto refused and denied, and yet doe deny and refuse to the same, contrarie to the forme and true meaning of the couenants and agreement in the said Indenture of bargaine and sale thereof conteined, and against all right, equitie, and good conscience, and to the manifest defeating, and disinheriting of him this complainant, of and in the said manor, lands, tenements, and premisses, and contrary to the true intent and meaning of the same Indenture of bargaine and sale thereof, except speedy remedie

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be in due time prouided to preuent the same. Wherefore the premisses considered, and forasmuch as the said complainant not knowing the certaine date and contents, and other certainties of the said part or Counterpaine of the said Indenture of bargaine and sale, nor wherein the same is contained, whether in bag, box, or chest locked, sealed, or otherwise, and so hath none ordinary remedy by the due course of the common lawes of this Realme, for the recouery thereof. And without the same indenture hath no direct action by the common lawes of this Realme to compell the said R. E. T. E. and G. E. or any of them to assure vnto him this complainant, the said manor, lands, tenements, and premisses, according to the said bargaine thereof, for lacke of the said Indenture, both parts thereof being come to the handes of the said Defendants. Neither if this Complainant had the said part or Counterpaine of the said Indenture (as hee hath not) yet had hee not thereby any meanes by the common lawes of this Realme, to compell the said T. E. and G. E. or either of them, to performe the bargaine and couenants therein contained, they the said T. and G. being as is aforesaid, vnder the age of one and twentie yeares, at the time of the making thereof. It may please your honourable Lordship, the premisses considered, to grant vnto him this complainant, the Queenes Maiesties most gracious writ of Subpœna, to be directed to the said R. E. T. E. and euery of them, thereby commanding them and euery of them at a certaine day, and vnder a certain paine therein by your good Lordship to be limitted, to be and personally to appeare before your honourable Lordship in the Queenes Maiesties high Court of Court of Chauncerie, then and there to answere vnto the premisses, and further to stand to, and abide such order and direction therein, as to your good Lordship vpon the hearing of the said cause, shall seeme to be agreeable with right, equity, and good conscience &c.

A Bill against the heire for entring into lands deuised to the Plaintife, praying a Commission to examine witnesses in perpetuam rei memoriam.

HVmbly complayning, sheweth vnto your good Lordship your poore distressed Orator G. W. of N. in the county of N. yeoman. That whereas W. W. deceased father vnto your said Orator, was in his life time lawfully seised in his demesne as of fee, of, and in the manor and Capitall messuage of N. in the Countie of N. and of, and in one farme, set, lying, and being within the parish of W. in the said Countie of N. and of diuers other lands, tenements, and hereditaments in N. aforesaid. And also whereas the said W. W. deceased, Sect. 110

was

was like wise in his life time lawfully seised in his demaine as of fee of, and in certaine ground, and one tenement with thappertenances, set, lying, and being within the Parish of C. in the County of D. and also of, and in the rectories and parsonage of C. alias C. within the said countie of D. and of diuers other lands, and tenements, set, lying & being in the county of N. and D. and he so being of the said lands and tenements seised, did by his last will and testament in writing, deuise and bequeath vnto your said humble Orator, and to the heires males of his body lawfully begotten, certaine parcels of land, of, and in the said manor of N. that is to say, one mansion house wherin your said pore Orator now inhabiteth and dwelleth, one close commonly called B. containing by estimation, two acres or thereabouts, one other close commonly called C. containing by estimation two acres or thereabouts, one other close commonly called the vpper D. all which seuerall parcels of land are scituate, lying, and being in N. as is aforesaid, in the foresaid Countie of N. one messuage or tenement commonly called by the name of an organ, scituate and being in W. in the said County of N. and also one tenement called the N. scituate, lying, and being in the County of D. and one lease of the rectory, and parsonage of C. in the county of D. by vertue and force of which said deuise, and bequeath, your said humble Orator entred into the said premisses, and the said illues and profits of the same hath perceiued, receiued, and taken to his owne proffit, vse, and behoofe, as lawfull was for him to do, as he verily believeth. But now so it is, if it may please your ho. good Lordship, that one R. W. brother to your said humble Orator, as son and heire apparant to the said W. W. his father deceased, hath taken away, concealed, and cancelled, as it is thought, the said last will and testament of your said Orators father, and hath taken vpon him the administration of all the goods and chattels, of your said orators father reiecting and disanulling the said last will and testament made by your said Orators father as aforesaid, to the intent only and thereby of set purpose, malice, and vnbrotherlike dealing, to defraude, expell, depriue, and disinherit your said orator of his right, title, and interest, of, and in the said lands deuised to him as aforesaid, & also doth threaten your foresaid orator, y he may at his pleasure relinquish and disanull the beforesaid last will and testament made by your foresaid Orators father as is aforesaid, and did take the administration of all your said Orators fathers goods and chattels, and entred into all his said lands, as is aforesaid, contrary to all right, equity, and good conscience, and not christian like but vnbrotherlike dealing, & contrary to the true intent and good meaning of your foresaid orators fathers will, made as is aforesaid, vnlesse your good L. doe according vnto your accustomed

customed goodnesse, extend your clemencie, and pitie in that behalfe to your poore Orator. In consideration whereof the premisses considered, and forasmuch as the title of your said Orator, by reason of the indirect practise vsed as aforesaide, in concealing, cancelling, and relinquishing the said last Will as aforesaid, doeth greatly depend vpon the witnes and testimony of certaine persons dwelling within the county of N. to prous ẏ true meaning of your said Orators fathers will, which are of great yeares, and also very impotent, not like long to liue, nor yet able to trauell to this honorable Court to bee examined for the testifying of the trueth, touching the premisses, as by common order appertaineth. And also for that in time the said witnesses may die, and by meanes thereof your said Orator may be in daunger to sustaine disinherison of the premisses. May it therefore please your good Lordship to grant the Queenes, &c.

A Bill for refusing to receiue the Plaintifes rent according to an order, and taking of forfeiture of a bond made for paiment of the rent.

HUmbly complaining, sheweth vnto your good Lo. your daily Orator I, L. of G, in the countie of N. yeoman, That whereas one I, B, of W. in the countie of Yorke Miller, pretended as in the right of his wife to be owner of a certaine messuage in E. in the Countie of N. aforesaid, and of certaine land, meadow, and pasture thereunto belonging, and lying within the fields of E. aforesaid, and the said I, B, so pretending himselfe in the right of his said wife to bee seised as is aforesaid about the 19. & 20. yeare of the Qu. maiesties most gracious reigne that now is, did demise the said messuage and land in E, aforesaid vnto your said Orator, and one A, L. Gentleman, to haue ẏ to hold to them for the terme of 21. yeres from the time of the making thereof, rendring therefore yearely the rent of 20. s. payable at Whitsuntide and Martinmas by euen portions, for the payment of which said rent of 20. s. he the said B, knowing himselfe the title thereof to be questionable, and likely to grow to seme charges in law to your said Orator, to defend, did therefore cunningly get your saide Orator to become bound in an obligation of 20. li. for the yerely paiment of the said rent accordingly vnto him the said B. after which lease and bond so made, as aforesaid, and also immediatly after your said Orators entrie into the same, the title thereof was so defended against your said Orator, by such as claimed the same against him the said B. as that the charges thereof spent about the recouering thereof, did stand your said Orator in aboue 20. nobles, besides the great trauell and losse of time that your said Orator sustained therby, being yet altogether vnrecompenced at the said B. hands, although hee often promised to haue some consi-

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deration therof towards your said Orator. And whereas also since and immediatly after that time, hee the said I. L. likewise in the right of his said wife pretended to haue right vnto certaine copihold lands lying in the parish of E. aforesaide, then being in the occupation of your said Orator and other persons, for the triall whereof, there being certaine actions depending in the copihold court at Southwell, it was notwithstanding before the triall thereof, aswell by the consent of the said R. of the one partie, as also by the assent of your said Orator, and the defendant on the other partie, referred to order and arbitrement of one P. R. and I. B. esquires, that they should order and determine aswell the right, as the possession of the saide copihold lands so then in question, which said P. R. and I. B. Esq. being willing the controversies might haue a good and final end, and yet themselues hauing no good opportunitie to attend the same, did therefore intreat as well the said I. R. as also your said Orator and the other, that it might stand with their likings, that one H. C. and H. W. of M. for that they were better acquainted with the interest of both the parties, might therefore order and make an end therof in all points, as should seeme good vnto them, whereunto as well the said R. as also your said Orator, with the rest agreed, promising to performe any such order as they the said C. and W. should in that behalfe make and agree vpon: whereupon the said H. C. and the said H. W. taking vpon them the said arbitrement, did thus, or to the like effect, order, agree and publish their order & award, that your said Orator should still enioy and continue his possession of the said Copihold lands, for, and during so long time as the wife of the said R. should liue, paying yearely for the said Copihold land, vnto the said R. 4. s. rent, and for that hee the said R. receiued also another rent of 20. s. by the yeare, at two seuerall times of your said Orator, for the freehold land aforesaid, they the said arbitrators, for the more ease and certaintie of him the said R. did further order and appoint that your said Orator should also pay the said 4. s rent for the copihold land, at the same time that the other rent for the freehold was vsed to be paied, which was at Whitsuntide and Martinmas, so that from thencefoorth he your said Orator should yeerely pay at the daies aforesaid, the whole and entire summe of 12. s. at euery of the said feasts. And also for that the said Arbitrators did well foresee, that the said intire paiment of 12 s. at one day and instant, could not conueniently be paid on the seuerall lands, out of the which they in truetb and law were seuerally issuing, for that the said freeholde and copihold land bee distant in seuerall places, therefore the said arbitrators, for the more ease and certainetie of him the said R. did order and appoint, that your said Orator should yeerely at the daies aforesaid, or within 14 dayes after euery of them,

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pay the said rent of xy. s. at the house of one W. W. of P. being a friends house of him the said R. and also farre nerer vnto the said R. his dwelling, then the land it selfe is, vnto which said order and arbitrement, he the said R. together with your said Orator did willingly agree and condiscend: and so for the space of by. or biy. yeres last past, the said R. hath alwayes receiued his rent accordingly, at the house of the said W. W. of P. aforesaid. Notwithstanding so it is, if it may please your good L. that the said I. R. meaning, as it seemeth not onely contrary to the said order and award, but also contrarie to all right and equitie, and good conscience, subtilly and extremely to take aduantage of your said Orators bond of twentie pounds, hath refused to receiue your said Orators last Whitsontydes rent, readie for him at the said W. house in P. aforesaid, according to the said order and award therein made, as aforesaid. May it therefore please your good &c.

A Bill for payment for cattell sold, without present money, or especialtie, by reason of trust reposed in the vender.

HVmbly complayning, sheweth vnto your good L. your daily Orator W. B. of B. in the countie of S. Butcher, That whereas your said Orator about fyftene yeares now last past, sold and deliuered vnto one R. W. of the same towne and countie Butcher, 6. steeres, and 5. Oxen, being all fat cattell, for the price of xl. li. and ten shillings, which said summe of xl. li. and x. s. the said R. W. then faithfully promised to pay vnto your said Orator within a short space then after, and now long sithence past, euer since when your said Orator would require and demand the same of him the said R. W. of which said bargaine and securitie for the said money, your said Orator was then verie carefull, for that your said Orator not long before, had beene seruant vnto the said R. W. and for that the said W. had beene master vnto your said Orator, therefore your said Orator did trust him the said W. so well, as that he neither toke any specialtie or securitie of him the said W. for the said summe of xl. li. and x. s. nor prouided any witnesses to be present and to testifie the same bargaine and contract betwixt them, but onely priuatly betwixt themselues contracted the same. And likewise your said Orator priuatly deliuered the said 6. steeres, and 5. Oxen, vnto him the said R. W. vpon trust, and performance of his priuate speech, and promise of payment thereof as aforesaid, whereupon the said R. W. then presently receiued the said 6 steeres, and 5. Oxen at your said Orators hands, and did presently afterwards conuert the same to his own proper vse and benefit: before the money paid by him the saide W. vnto your said Orator, for the same, &c. May it therefore please your &c.

Sect. 112.

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A Reioinder.

Sect. 113 The ſaid defendant reioyneth and ſaith in all and euery thing and things, as he in his ſaid anſwer hath ſaid, and doth & will auerre, iuſtifie, maintaine, and proue the ſame anſwer, and all & euery thing and things, clauſe, ſentence, article, and allegation therein conteined to be good, iuſt, and true, certaine, and ſufficient in the law to be replied vnto, in ſuch ſort, manner and forme, as the ſame beene therein moſt truly ſet forth and declared. And this defendant further ſaith, that the ſaid Replication of the ſaid complainant is very incertain, vntrue and inſufficient in the law to be reioined vnto by this def. for diuers apparent faults and imperfections therein contained And that the ſame is ſo contriued and made, by the ſaid compl. for the cauſes in the ſaid anſwer expreſſed, and to the ende to giue ſome further colour, or rather ſhadow for the maintenance of the ſaid Bill without cauſe in this Ho. Court, to the vniuſt vexation of this def. as may appeare, for that, ſithe the ſaid compl. by the ſiniſter meanes of one T. P. who as it is ſaid, procureth and ſolliciteth the ſame ſuit for the ſaid compl. againſt this def. hath without all order, as he is informed, cauſed him being a plaine ſimple vnlearned man, to become bounden by oblig. for the proceeding in the ſaid ſuit of this def. and with ſuch condition whereof this def. is vtterly ignorant, of al which this def. hopeth this hon. Court will haue due conſideration for the puniſhing of ſuch lewd and indirect courſes & actions therein vſed. And without that, that any other matter, thing or things, clauſe, ſentence, article, or allegation in the ſaid Repl. contained materiall or effectuall in the Law to be reioyned vnto by this def. and not here in this his reioynder ſufficiently reioyned vnto, confeſſed, and anoided, denied, or trauerſed, is true. All which matters this def. is ready to auerre and proue, as this ho. Court ſhall award, and therefore praieth as he before in his ſaid anſwer hath praied.

A Bill vpon putting one to ſeruice with promiſe that the ſeruant ſhall ſerue truely, and that the defendant will ſatisfie all damages, which ſhall happen to the Maſter by the ſame ſeruant &c.

Sect. 114 HVmbly complaining, ſheweth vnto your hon. Lo. C. L. of the towne of M. in the county of S. Gentleman, That whereas S. S. daughter of S. A. of the towne of A. in the Countie of Yorke, about two yeares now laſt paſt, being deſirous to ſerue your ſaid Orator, and his wife, then dwelling at Rotheram, at an Inne there called the ſigne of the Angel in the ſaid county of Yorke, was entertained into their ſeruice, at, and vpon the further intreaty of the ſaid S. A. and

vpon

vpon her faithfull promiſe vnto your ſaid orator then giuen and made, that the ſaid M. her daughter ſhould during the time of her ſeruice and abode with your ſaid orator, honeſtly, faithfully, and truely behaue her ſelfe, and ſerue your ſaid orator and his wife in all lawfull buſines, and that if any loſſe or preiudice ſhould befal vnto your ſaid orator through either negligence, default, or abuſe of the foreſaid M. in any reſpect, that then the ſaid A. would vpon notice to her giuen in that behalfe, by your ſaid orator of ſuch loſſe and detrimēt in that behalfe ſuſtained, ſatiſfie and recompence your ſaid Orator for the ſame to the vttermoſt value thereof. By reaſon whereof your foreſaid Orator entertained and receiued the foreſaid M. into his ſeruice, as is aforeſaid. And thereupon the wife of your ſaid Orator deliuered vnto the ſaid M. to her only charge and cuſtody, many and ſundry parcels of plate, linnen, and alſo other neceſſaries things, for your foreſaid Orators behalfe. In which ſaid ſeruice the ſaid M. remained with your ſaid Orator by the ſpace of one whole yeare then next following. Now ſo it is, if it may pleaſe your ſaid honorable Lordſhip, during the time of the abode of the foreſaid M. in ſeruice with your ſaid Orator, as is aforeſaid, the foreſaid M. did not onely ſecretly and priuily deliuer vnto the foreſaid A. S. her mother, diuers of the ſaid parcels of plate, linnen, and other vtenſils of your ſaid orators, to the full value of xx. markes, or thereabouts, to and for the vſe and behalfe of the ſaid A. But alſo during the ſaid time, conuerted ſundry other parcels of goods and ſummes of money receiued of gueſts that reſorted to the ſaid houſe, appertayning to your ſaid Orator, vnto the onely vſe and benefit of the ſaid M. her ſelfe. By meanes whereof your ſaid Orator was greatly preiudiced and hindered, to his loſſe of xxx. or xl. li. or thereabouts, vpon which occaſions your ſaid Orator was inforced to put the ſaid M. forth of his ſeruice. And although your ſaid Orator hath diuers and ſundry times heretofore notified and made knowne vnto the ſaid A. the loſſe and hinderance, by her ſuſtained, as is aforeſaid, by and through the negligence, default, and abuſe of the ſaid M. as is aforeſaid, and hath required recompence and ſatiſfaction for the ſaid goods ſo deliuered and conuerted to the vſe of the ſaid A. and M. as is aforeſaid, according to the promiſe of the ſaid A. made to your ſaid Orator vpon the entertayning of the ſaid M. into his ſeruice, as is aforeſaid, yet the ſaid A. the ſame to do hath heretofore refuſed and denied, & ſtill doth refuſe & denie to do, contrary to her promiſe and aſſumption aforeſaid, & againſt all right, equitie, & conſcience. In conſideration whereof, and foraſmuch as your ſaid Orator is not able to make any due proofe, neyther of the certainety or quantitie of the plate, linnen, and other goods ſo ſecretly deliuered to the ſaide A. by M. during the time of her ſeruice, as is aforeſaid, or of the ſaide

other goods, conuerted by the said M. to her owne vse, as is afore-said, nor of the promise made by the said A. vnto your said orator, vpon the retayning of the said M. into his seruice, as is afore-said, by reason the same was in secret betweene themselues, without calling any other to witnesse the same, wherby your said orator by the strict rule and course of the common lawes of this Realme, hath no ordinary meanes for recouerie of the same, but onely by suit before your H. Lordshippe in the Quenes Maiest. high Court of Chancerie, by the oaths of the said A. and M. in whose priuities all the premisses principally lie, & who̅ your Orator thinketh vpon their said oathes will reueale, and manifest the truth and circumstance of the same: the premisses considered, May it therefore please your good Lordship to grant vnto your said Orator the Q. Maiesties most gratious writ of Subpena to be directed to the said A. and M. and either of them, commanding them therby not only to appeare before your H. in the Qu. Maiesties high Court of Chancerie, at a certain day, and vnder a certaine paine therein to be limitted and assessed, then & there to answer to the said premisses, but also to stand to and abide such further order & direction therin, as to your H. wisedome shall be thought fit and conuenient, & your said Orator shall daily pray vnto God for the long continuance of your H. in health and prosperity.

The ioint and seuerall answers of A S. and M.S. defendants to the Bill of complaint of C.T. complainant.

Sect. 16. THe said defendants say, and eyther of them, for himselfe seuerally saith, That the said bill of compl. against them exhibited into this honorable court, is very vncertain, vntrue, and insufficient in ẏ law to be answered vnto by the said defendants, or either of them, for diuers manifest & apparant faults and imperfections therin contained, & deuised & exhibited into this honorable court of mere malice and enuie, only to the intẽt, not only to vexe and trouble the defendants, being very vnable and vnmet vpon the sudden, with long & tedious iourneyes to make their personall apparances in this H. Court, being aboue 120. miles distant from the towne of A. in the Countie of Y. where these defendants now dwell, but also to wearie the defendants in such sort, that they might extort and wring from these defendants some consideration for the stay of the foresaid suit, be it neuer so vntrue, and without any iust cause or colour of cause so to do, neuertheles, if these defendants shall by the order of this honourable court be compelled to make any further or other answer to the said vncertaine and insufficient bill of complaint, then the aduantage of exception to the manifest incertaintie & insufficientie of the same bil of complaint to these defendants,

and

and either of them at all times hereafter saued, for answer thereunto, and for a manifest declaration of the truth, touching the cõtents of the same bill, these defendants say, and either of the for himselfe severally saith, that about the time mentioned in the said bill of cõplaint, ỹ said M. St. the other of these defendants was entertained to serue the said complainant and his wife for the terme of one yeare, next ensuing the time of such her reteiner, for xvj.s. wages for the same yeare without the knowledge of the said A. St. the other of these def. vntill that shee the said M. was so with them retained. And these defendants further say, ỹ by vertue of the same retainer, the said M. did honestly, faithfully and truly behaue her selfe, and did serue the said compl. and his said wife in all lawfull businesse accordingly, during all the said yeare, and that to her knowledge no losse nor preiudice did befall vnto the saide compl. through the negligence, default or abuse of the said M. in any respect during the same yeare. And that in the end thereof shee departed from them with their fauour and good will, at her owne request, without that, that she the said M. was entertained in their said seruice, at and vpon the entreaty of the said A. S. and vpon her faithfull promise vnto the said compl. then giuen and made, ỹ the said M her said daughter should during the time of her seruice and abode with the said cõpl. honestly, faithfully, and truly behaue her selfe, seruing him and his said wife in all lawfull businesses, and that if any losse or preiudice should befall vnto the said complainant through the negligence or abuse of her the said M. in any respect, that then she the said A. St. vpon notice to her giuen by the said complainant, of such losse and detrimẽt in that behalfe sustained, would satisfie and recomplence the said complainant for the same to the vttermost value thereof, or that by reason thereof the same complainant entertained and receiued M, in his said seruice, as in the saide bill it is vntruely alleadged. And the said defendants further say, that albeit shee the said A. S. hath made vnto the said complainant any such promise as hee in his bill of complaint supposeth (as in very trueth shee did not) yet were the same promise voyd in law, and of no validitie or force to binde her thereby, for that the said A. at the time of the saide surmised promise was couert with I. S. her husband. And without that, that vpon such promise the said wife of the said complainant deliuered vnto the said M. to her charge and custody many parcels of linnen, and other necessary things and furniture for the saide complainant his behalfe in any other manner then as to euery other ordinary seruant in the same house in the like case, without taking vpon her any speciall charge for the képing thereof, as in the said bill of complaint it is very vntruely alleaged, and without that, that during the same time of the said abode of her the

ſaid M. in ſeruice with the ſaid complainant, as afore ſaid, the ſaid M. did either ſecretly deliuer vnto the ſaid A. S. her ſaid mothers diuers or any of the ſaid parcels of plate, linnen, and other goods, for thuſe and behoſe of the ſaid A. S. or during the ſaid terme conuerted ſundry or any other parcels of goods and ſums of mony receiued of gueſts that reſorted to the ſaid houſe, appertaining to the ſaid complainant, vnto the vſe and benefit of the ſaid M. her ſelfe, by meanes whereof the ſaid complainant was greatly preiudiced and hindred, to the loſſe of 30. or 40. li. or therabouts, or that vpon ſuch occaſions the ſaid complainant was enforced to put the ſaid M. from his ſeruice, for that the ſaid complainant hath diuers and ſundry times heretofore notified and made known vnto the ſaid A. the loſſe and hurt he ſuſtained, as is afore ſaid, by and through the negligence, default and abuſe of the ſaid M. as is afore ſaid, and required recompenſe and ſatisfaction for the ſaid goods ſo ſuppoſed to be deliuered, and conuerted to the vſe of the ſaid A. and M. as is afore ſaid, as in the ſaid bill of cõplaint is moſt vntruly alleaged. And without that, that any other matter, thing or things, clauſe, ſentence, article, or allegation in the ſaid bill of complaint contained, materiall or effectual in the law to be anſwered vnto by theſe defendants or either of them, and not herein in their anſwer ſufficiently anſwered vnto, confeſſed, and auoyded, denied, or trauerſed, is true: all which matters theſe def. and either of them are ready to auerre and proue as this H. Court ſhall award, and therefore they pray to be diſmiſſed out of the ſame Court with their reaſonable coſts and charges in this behalfe wrongfully and without cauſe ſuſtained.

The Replication to the ſame Anſwere.

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THe ſaid compl. ſaning to himſelfe all aduantages of exception to the incertainties and inſufficiency of the ſaid defendãts anſwers, for replication ſaith as he before by his ſaid bil hath ſaid. And doth and will auerre, iuſtifie and maintaine his ſaid bil, and all and euery thing and things therin contained to be good, iuſt, and true, in ſuch ſort, maner and forme as in ſ by the ſame is moſt truly ſet forth and declared. And that the anſwers of the ſaid defendants are vncertaine, vntrue, and inſufficient in the law to be replied vnto for diuers vntruths and imperfections therein contained, without that, that the ſaid M. one of the ſaid defendants did honeſtly, faithfully, and truly behaue her ſelfe in the ſeruice of the ſaid complainant, as by the ſame defendant in their ſaid anſweres is vntruely alleadged, for this ſaid complainant ſaith, as hee before by his ſaid Bill, hath ſaid, that the ſaid M. one of the ſaide defendants did ſecretly deliuer to the ſaide A. the other defendant diuers parcels of the goods of the ſaide complainant, that

the

the said defendants most wrongfully detaine & withhold frō him ye said compl. against right and equity, And further the said complainant saith and will averre and prove, that the said A. one of the said defendants did give her faithfull promise to satisfie and pay vnto the said compl. the vttermost value of everie losse or hinderance the said complainant should sustaine by the said H. as by his bil is most vntruly set forth and declared, without that, that any other matter or thing in the said defendants answer conteyned materiall or effectuall, to be replied vnto, and hereby not sufficiently replied vnto, is true. All which matters the said complainant is readie to averre and prove, as this Honorable court shall award, and prayeth as he before by his said bill hath prayed.

A Bill for entring into and detaining copihold lands sold to the defendant to the plaintifes Grandfather, which descended to the plaintife, being an infant, the said entrie being made, by reason that the copie and court-roll of the said bargaine came to the defendants hands.

HVmbly complayning, sheweth vnto your honorable L. your daily Orator F.H. of W. in the countie of Yorke Gentleman, That whereas about the xvij. day of Septemb. in the third yere of the reigne of the late King of famous memory Edward the vj. one Christopher Barker late of F. in the said Countie husbandman, was lawfully and rightfully seised in his demesne as of fee, as a Copyholder, according to the custome of the manor of the Prebend of Laghton, in the said county of, & in one customary messuage or tenement, and one Organge of land, with thappurtenances in F. aforesaid: and in another messuage or tenement, and 30. acres and a halfe of land with thappurtenances in F. aforesaid, and he being thereof so seised about the time aforesaid for a certaine great summe of money to him paid by F.H. of W. aforesaid, grandfather of your said Orator, did surrender according to the custome of the said manor, the said customarie tenements and premisses, with thappurtenances, into the hands of the then Lord of the said manor, to the vse of the said F.H. the grandfather and his heires for ever: by force whereof the said F.H. the grandfather was thereof admitted tenant accordingly, and was of the same as a copiholder lawfully seised in his demesne, as of fee, by, and according to the customs of the said manor, and the rents, issues, and profits thereof arising and growing, did likewise lawfully take and conuert to his owne vse, by the space of diuers yeares, and afterwards the said F.H. the Grandfather being thereof so seised of the said tenements and premisses, died thereof so seised, about the second yeare of the reigne of the Quenes most excellent Maiestie that now is. By and after whose death the said tene- Sect. 117.

mentes and premisses discended & came, & of right ought to discend and come to your said Orator, being then of very yong and tender yeares, viz. about the age of fire yeares, as nert cosin and nert heire vnto the said F. H. the grandfather, that is to say, sonne of T. H. sonne and heire of the said F. H. the grandfather: but now so it is, if it may please your good L. that after the death of the said F. H. the grandfather, all the copies of Court rols of the said manor, and the very Court rols themselues concerning the premisses, did by casuall meanes come vnto the hands, custody, and possession of the said C. B. and one T. G. of T. in ỳ said countie husbandman, or to the hands of one of them, which they or the one of them haue cancelled & defaced, intending thereby vtterly to disinherite your said orator of the same tenements and premisses, & by colour thereof shortly after the death of the said F. H. the grandfather, the said C. B. did wrongfully abate & enter into the said tenements & premisses. And euer since his said wrongfull entre, that is to say, by ỳ space of xiiij. yeres, or therabouts, hath wrongfully occupied the premisses or the most part thereof, and receiued & taken & conuerted to his own vse, the rents, issues & profits of ỳ said tenements and premisses, and will not by any meanes permit or suffer your said orator to enter, meddle, or haue to do therwith. And notwithstanding ỳ your said orator, not only by himselfe, but also by his friends, hath in gentle & quiet maner diuers times come vnto the said C. and T. gently requiring them to deliuer vnto him your said orator, ỳ said copies of Court rols, and to make reasonable recompence & satisfaction vnto him your said orator for the rents, issues & profits of the said tenements & premisses, so as is aforesaid by the said C. wrongfully receiued according to your said orator his good right and title thereunto, yet ỳ to do, they & either of them haue euer hitherto refused & denied, and yet do refuse & deny to do ỳ same against all right, equitie and good conscience, and to ỳ disinherison of your said Orator, of, and in the premisses, and to his great losse and hinderance, if spedy remedy be not by your good L. in this H. court spedily prouided to preuent the same. In tender consideration wherof, and for so much as your said orator not knowing the certaine number, dates, or contents of the said copies and Court rols, nor wherein they or any of them be conteined, in bag, bore or chest, locked, sealed or open, is therfore without all remedy, by the due course of the common laws of this realme to recouer the same, and for lacke therof your said orator is very like to lose the said tenements & premisses, & for that also, that the contents of the said bargaine, and surrender of the said tenements and premisses, so as is aforesaid, made betweene the said F. H. grandfather, and the said C. B. cannot now otherwise be proued then by answer of the said C. B. and T. G. made vpon their oathes in this

honorable

honorable court, all such persons as were witnesses of the same bargaine, being now either dead, or else vtterly vnknown vnto your said orator, being so yong, as it is aforesaid, at the time of the making of the same. May it please your honorable Lo. to grant vnto your said orator the Quænes Maiesties most gracious writ of Subpena, to be directed vnto the said C. and T. straightly commanding them and either of them at a certaine day, and vnder a certaine paine therein to bee limitted, to appeare before your L. in her maiesties high court of Chancery, then and there to answere to the premisses, & to abide such order and direction therin, as to your L. shal seem to stand with right, equity and good conscience, and your said orator shall daily pray to Almighty God for your honour in good health long to continue, &c.

A Bill by the husband and wife, as guardians to her child for euidences.

IN most humble wise complaining, sheweth vnto your good Lordshippe, your poore and daily orator I. W. of B. in the County of D. yeoman, and I. his wife, late the wife of I. S. the elder of B. aforesaid yeoman now deceased. That whereas the said I. S. in his life time was lawfully seised in his demesne, as of fee, of, and in one messuage or tenement, commonly called H. and of, and in certaine landes, meadow, and pasture, and other hereditaments, with the appurtenances, to the said tenement belonging, and with the same vsually occupied, scituate, lying, and being in B. aforesaid. And hee the said I. S. being of the premisses so seised, did in his life time convey and assure the same vnto certaine persons, and their heires, to the vse of the said I. and of the saide I. then his wife, and of the longer liuer of them, without impeachment of waste. And after their deceases, to the vse of the heires of their two bodies lawfully begotten, with diuers remainders ouer, by force whereof the said I. S. and the said I, then his wife, were thereof seised accordingly. And so seised, the said I. S about three yeares now last past, died seised of such estate, as aforesaide, hauing issue betweene him and the said I. one I. S. an Infant of the age of two yeares, or thereabouts. After whose death the said I. held her selfe in the said messuages and lands, and was thereof seised accordingly. And so seised, tooke to husband the said I. W. the other of your said orators, by force of which entermarriage the said I. W. and the said I. were lawfully seised of the premisses, as in the right of the said I. And your said Orators haue also the custodie of the said I. S. the Infant, rightly belonging to the said I. his mother as Guardian in Socage. Now so it is, if it may please your good Lordshipps, that certaine deedes, euidences, and writings, touching

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and concerning the premisses, and of right belanging to your said orators, and the said infant, or to the one of them, are casually come to the hands and possessions of T.C. of B. aforesaid, & I.S. of H. being kinsman vnto the said I.S. of B. the elder deceased, who by colour of hauing the said deeds, euidences, and writings, haue wrongfully entred into the premisses with thappurtenances, and thereupon haue contriued certaine secret estates vnto diuers persons vnknown to your said orators, and by colour therof, they the said T.C. and I.S. of H. or the one of them of late time hath wrõgfully entred into the premisses, and hath receiued and taken the issues and profits of the premisses or some part thereof from your said orators, and although your said orators haue diuers and sundry times gently requested the said T.C. and I.S of H. to permit and suffer your said orators quietly to haue and enioy the same premisses, & to deliuer vnto your said orators the said deedes euidences, and writings, touching and concerning the premisses, and which of right do belong and appertain vnto your said orators, and to the said I.S. the infant, yet they the same to do haue hitherto refused, and yet do refuse, contrary to all right, equity & good conscience, which is likely to turne, not only to the losse and hinderance of your said orators: but also to the preiudice and disinheritance of the said infant, if spedy redresse herein be not had by your good Lo. In consideration wherof, and forasmuch as your said orators do not know the certainety nor certain number of the said deeds, euidences, writings, nor whether the same bee contained in bagge or bore, sealed, or in chest locked, and so your orators and the said Infant are without any ordinary remedy for the recouery of the same by the common lawes of this realm. And for that your said orators doe hope, that the same C. and S. will vpon their oathes in this honorable Court, confesse the certaintie and trueth therin, where the said euidences are to be had, or to whom they haue deliuered the same. May it therefore please your good Lordship, the premisses considered, to grant vnto your said orators the Quenes Maiesties &c.

The answere of the same.

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THe said defendants say, and euery of them seuerally saith, that the said bill of complaint is very vncertaine, vntrue, and insufficient in the law, to be answered vnto for diuers manifest defaults and imperfections therein conteined and framed, and exhibited into this honorable court, as these defendants verely thinke of malice and euill will, to the intent to put these defendants to great trauaile, charges, and expences, to make their personall appearance in this honorable Court, the said defendants dwelling in B. aforesaid, in the said county of D. which is 120. miles distant from the citie of Westminster, and without

without any iust cause so to doe, and these defendants further say, that if the surmised matters contained in the said bill of complaint were true, as in very trueth they are not, yet were the same determinable, and to be determined by the common lawes of this realme, and not in this honorable court, whereunto these def. pray to bee dismissed with their reasonable costs, charges, and damages in this behalf wrongfully and without iust cause sustained, yet neuertheless, if these def. shall be compelled by the order of this Court, to make any further or other answere vnto the said vncertaine and insufficient bill of complaint, then the aduantage of exception to the incertaintie and insufficiencie thereof to these defendants and either of them at all times hereafter saued, for further answer thereunto, and for a full and plaine declaration of the truth, say that they thinke it is true, that the said I. S. was in his life time lawfully seised in his demesne as of fee, of, and in the said messuage or tenements commonly called the Y. and of, and in certaine landes, meadow, and pasture, and other hereditaments with the appurtenances to the said tenements belonging, and with the same vsually occupied, scituate, lying, and being in B. aforesaid, as in the said bill of complaint is alleadged, but the said defendants further say, that the said tenements in the said bill of complaint conteined, as they verely beléeue, are holden of the right hon. G. Earle of S. of his manor of C. in the said county of D. by knights seruice, and by the yearely rents of two shillings. And that he being thereof so seised, and the said Earle being also seised in fee, of the said manor, as these defendants thinke, died thereof so seised, by, and after whose death the said tenements and premisses in the said bill mentioned, descended and came to the said I. S. the sonne, as sonne and heire of the said I. S. deceased, who is yet within the age of one and twentie yeares, by meanes whereof the said Earle after the death of the said I. S. the father, as guardian of the said I. S. infant, during his minority, by reason of the tenure aforesaid, seised the body of the said I. S. y infant, without that, that to the said defendants knowledge, the said I. S. the father being of the premisses seised in fee, did in his life time conuey and assure the same premisses vnto certaine persons and their heires, to the vse of the said I. S. and of the said I. then his wife, and of the longer liuer of either of them, without impeachment of waste, and after their decease to the vse of the heires of their two bodies lawfully begotten, with diuers remainders ouer, as in the said bill of complaint is vntruely alledged, or that to these defendants knowledge, by force thereof the said I. S. and the said I. S. then his wife being thereof so seised, died thereof so seised, or that to these defend. knowledge, after his death the said I held her selfe in the said messuages, landes, and premisses, and was

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therof ſo ſeiſed accordingly, by force of any ſuch conueiance, or that ſhe being therof ſo ſeiſed, tooke to huſband the ſaid I. W. or that by force of the ſaid entermarriage the ſaid I. W. and the ſaid I. to the knowledge of theſe defendants, were ſo lawfully ſeiſed of the ſaid premiſſes, in the right of the ſaid I. as in the ſaid bill is alleadged. And without that, that to theſe defendants knowledge the ſaid I. W. and I. haue the cuſtody of the ſaid I. S. the infant rightfully belonging to the ſaid I. as Gardein in Socage, as in the ſaid bill is likewiſe alleadged. And without that, that any deedes, euidences, and writings, touching and concerning the premiſſes, and of right belonging to the ſaid Infant, or to one of them, are caſually come to the hands, cuſtody, and poſſeſſion of the ſaid defend. other then ſuch deeds, euidences, and writings, as the ſaid I. did deliuer vnto the ſaid L. S. the one of theſe defendants which he the ſaid L. about one yeare now laſt paſt, or more, vpon the receipt of the Queenes Maieſties writ of Subpena deliuered to I. L. late of Y. Hall in the Countie of D. Gentleman, to the vſe of the ſaid Infant, which as he remembreth was done by appointment or agreement of the ſaid I. And other then another old deed or writing without date containing theſe words following, or the very like in effect and meaning, viz.

Sciant preſentes & futuri quod ego Ioh. filius Tho. de B. dedi conceſſi. & hac preſenti charta mea confirmaui Duranto de Toxwood pro homag', & ſeruitio ſuo, & pro quadam pecuniæ ſumma mihi præ manibus ſoluta, totam terram meam quæ vocatur le Haule cliffe in territorijs de B. cum boſcis, pratis, paſcuis, paſturis, & omnibus ſuis pertinentijs, ſine aliquo retento, quæ iacet integre in latitud' inter viam quæ ducit verſus terram quam L. de L. quondam tenuit, & extendit ſe in longitudin de meta de B. vſq; ad terram Abbat de R. et terram quę fuit A. F. & terram R. de le Scagh, vna cum tota illa terra cum domib' & edificijs in ea ſitis, cum omnib' ſuis ptin, quam R. de T. quondam tenuit, quę iacet integre inter terras, &c. and without that, that any other matters &c.

A Bill to be diſcharged of a Recogniſance for the ſauing of lands ſold harmeleſſe, for that a leaſe made thereof by which he ſeemeth to be dammified, was either made in truſt or by ſurrender, before the ſaid bargaine, with an anſwere, replication, and reioynder to the ſame Bill.

Sect. 120

COmplaining ſheweth vnto your hon. Lordſhip, George Earle of Shrowſbury, that whereas Sir W. S. knight Lord M. deceaſed, in his life time, about nine yeres now paſt, was lawfully ſeiſed of an eſtate of inheritance amongſt other lands and tenements, of the third part

part of the scite & mansion house of the late dissolued Abbey, Monastery or Priory of B. in the Countie of L. and of all and singular messuages, houses, edifices, buildings, orchards, gardens, fishings, ponds, lands, tenements, meadowes, pastures, commons and hereditaments with ỳ appurtenances to ỳ said scite belonging, then or late in ỳ occupation of F.S. & afterwards in ỳ occupation of one P. & the said L.P. being thereof so seised about ỳ 16. day of December in the 7. yere of the reigne of our soueraigne Lady the Qu. Maiesty that now is, of speciall and secret trust and confidence by him the said Lo: P. repосed in one W.S. of P. in the county of S. gentleman, and P. his wife, or of one of them, did make an Indenture bearing date the 16. day of Sep. in the said vij. yeare of a demise of the said third part of the said scite, lands, tenements, and hereditaments, with thappurtenances to the said W.S. and P. his wife, to haue and to hold the same vnto the said W.S. and P. from the decease of R.L. of S. for and during the terme of xxj. yeares then next ensuing, as by the said Indenture appeareth. And deliuered the said Indenture to be deliuered as his deed, when the said W.S. had perfourmed certaine conditions and agreements betweene them made, vpon which Indentures made by them, it was neuer intended nor agreed that the said W.S. and P. his wife, or their executors or alligns, or any of them, should take any benefit to them: but ỳ the same lease should be surrendred, & at all times disposed at the pleasure of the said Lo: P. by force whereof the said W.S. and P. were possessed of the interest of the said terme accordingly, and being thereof so possessed, And the said L.P. being seised of the said R. of the third part of these tenements and premisses of an estate of inheritance, afterwards, that is to say, the 18. day of May, in the xij. yeare of the reigne of our said soueraigne Lady, the said Lo: P. by Indenture bearing date the said day and yere, did bargaine and sell the said third part of the said premisses among other things to one J.C. of C. in the countie of S. Esquire, and F.S. of S. in the said Countie Gentleman, and their heires for euer, by which last recited Indenture, the said Lord P. for him and his heires did couenant and graunt, to and with the said J.C. and F.S. and either of them, that aswell the said J.C. and F.S. their heires and alligns, as all the said manors and tenements, by the said Indenture to them bargained & sold, at the ensealing & deliuery of the same Indentures, were discharged, eronerated or saued harmelesse, and from thencefoorth at all times, and from time to time hereafter for euer, should be discharged, eronerated, acquited, or saued harmelesse by the said W. Lord P. his heires, executors, or administrators, of, and from all and singular gifts, graunts, leases, charges, and incumbrances, had, made, graunted or suffered in, or to the premisses,

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or any part or parcell thereof, by the said Lord M. or by any other person or persons whatsoeuer, other then the said estate of the said L. S. late Duchesse of S. and certaine other things, in, and by the said Indenture excepted, as by the said Indenture appeareth. For performãce of which couenant of the said Indenture, the said Lo: M. Eagle, the y. day of June in the said xy. yeare, became bounden vnto the said I. C. and vnto one M. S. of I. L. in the countie of B. Esquire, by recognisance knowledged in this high Court of Chancerie in the summe of two thousand pounds, as thereby appeareth. And shortly afterwards, that is to say, about fiue yeares now last past, the said L. late D. of S. died, and the said I. C. and F. S. entred into the manors, tenements, and premisses with the appurtenances, and were, and yet be thereof seised in their demesnes, as of fee, by force of the said conueyance, and the profites thereof arising and comming to their owne vse take, and yet doe quietly so take the same without any interruption, let or trouble of the said W. S. and M. his wife, and their assignes, and euerie other person or persons, according to the couenant, true intent, and meaning of the said Indentures of bargaine and sale. And afterwards that is to say, about fiue yeares now last past, the said Lord M. for the summe of fiue thousand pounds, or thereabouts, did bargaine and sell to the said Earle and his heires, the manor of B. in the countie of M. and diuers other lands and tenements in B. and other places in the said countie, by force whereof the said Earle was thereof lawfully seised in his demesne, as of fee, and the issues & profits thereof arising and growing, did quietly take and conuert to his owne vse, from the time of the bargaine, during all the life time of the said Lord M. and W. S. which was by the space of three yeares after the death of the said Duchesse or thereabouts. And afterwards, that is to say, about fiue yeares last past, the said M. died, since whose death the said I. C. M. S. F. S. T. H. D. W. M. and I. L. and the said M. late wife of the said W. S. and executrix or administratrix of the said Will, as the said Earle is informed, by the agreement and priuitie of Ed: Lo: Morley, and the Lady Elizabeth his wife, daughter and heire of the said Lo: Mounteagle, hauing gotten into their hands the said Indenture of demise, albeit that the said L. performed not the conditions and couenants betweene him the said Lord M. amongst themselues, did conceale and frustrate the said trust reposed by the said Lord M. in the said W. S. and M. or the one of them, to the intent to extend the said Recognisance of two thousand pounds, vpon the said manor of B. And such other landes and tenements as the saide Earle hath purchased of the said Lord M. contrarie to the good meaning of the saide Lord M. contrarie to the great trust and confidence by him reposed

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in the ſaid W. S. and P. his wife, and the true meaning of the ſaid indentures of leaſe. And for that purpoſe haue procured the ſaid eſtate and intereſt of the ſaid W. S. and P. of the ſaid third part to be conueied to the ſaid P. to the intent that the ſaid W. P. ſhould enter into the ſaid third part ſo leaſed, as is aforeſaid, to diſturbe the poſſeſſion of the ſaid C. and F. S. which he hath done accordingly, to the intent that therby the ſaid J. C. and P. S. might haue ſome colour to extend the ſaid Recogniſance of 2000. li. againſt the ſaid Earle, notwithſtanding that the ſaid J. C. and F. neuer ſince the entry of the ſaid P. haue quietly occupied the ſaid demiſed third part, and yet dos quietly occupie the ſame, not hauing had any damage therby to the value of twelue pence by reaſon of the ſaid leaſe, All which notwithſtanding, if it may pleaſe your good Lo. the ſaid P. S. F, S. and J. C. haue procured execution of the ſaid Recogniſance of 2000. li. to bee ſued againſt the ſaid Earle by Proceſſe out of this honorable Court, according to the forme and effect of the ſaid Recogniſance, for that as they ſuppoſe the ſaid third part is charged with the ſaid leaſe thereof made to the ſaid S. and his wife, and aſſigned by the ſaid S. to the ſaid W. P. who by force thereof hath entred into the ſaid third part, and diſturbed the poſſeſſion of the ſaid J. C. and F. S. and their aſſignes, And for that by meanes therof, the ſaid manors, landes and tenements to them bargained and ſold by the ſaid Lord P. in forme aforeſaid, were not ſaued harmeleſſe by the ſaid Lo. P. or his heires of, and from all and ſingular leaſes had, made, or granted of the ſaid manor and other the premiſſes mentioned in the ſaid indenture of bargaine and ſale, according to the forme and effect thereof, which ſaid practiſe and compact is much againſt the ſaid truſt and meaning of the ſaid Lo. P. repoſed in the ſaid W. S. and P his wife, and againſt the true meaning of the ſaid Indenture and Recogniſance, tending to the great loſſe and damage of the ſaid Earle, and againſt all right, equity, and good conſcience, if the ſaid purpoſe ſhould not by equity and conſideration of this honorable court be preuented and met withall: In conſideration wherof, and for ſo much as, aſwel the ſaide truſt touching the ſaid leaſe, as the ſaide compact and agreement amongſt the ſaid parties to extend the ſaid Earle his ſaid landes by reaſon of the ſaid Recogniſance by matters ſecretly agreed vpon amongſt themſelues, the ſaide Earle not knowing any witneſſes which were preſent at the making thereof, ſo that the ſaid Earle can very hardly make ſuch proofe in this hon. Court thereof, or of the ſaid conditionall deliuery of the ſaid Indenture, as is neceſſarie in that behalfe, vnleſſe the ſaid parties or ſome of them will confeſſe the ſame in their anſweres vpon their oathes in this honorable Court, as the ſaid Earle verely thinketh they will. And foraſmuch alſo as it is very

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likely, that the said Lo. M. would neuer haue entred into the said Recognisance of 2000.li. for the performance of the said couenants of the said Indenture of bargaine and sale, without making exception therin of the said lease, if the said lease of the said third part before the making of the said Indenture of bargaine and conueyance, had not bene so deliuered of credit and of trust frustrated or granted ouer to the said W. M. or some other by the consent and agreement of the said J. C. and F. S. for their benefit, for the auoiding of new charges growing betweene the making of the said lease and the said bargaine. And albeit as well the other two parts of the said landes, as all other landes and tenements with thappurtenances, bargained and sold by the said Indenture, were and be clearely discharged of all incumbrances, according to the true meaning of the saide Indenture, it may therefore please your good L. ỹ premisses considered, to grant vnto the said earle the Quenes maiesties most gracious writ of Subpœna to be directed vnto the said J. C. M. S. E. L. M. and E. his wife C. D. W. M. J. T. and M. commanding them and euery of them, at a certaine day & place and vnder a certaine paine therein to be limitted, to be and personally to appeare before your good Lo. in the Q. maiesties high court of Chancery, then and there to answere vnto the premisses, and to abide such further order and direction therein, as to your hon. shall seeme to stand with right, equitie, and good conscience. And the said Earle, &c.

A bill for that the defendant by meanes of entermariage with the wife and executrix of one, who by casuall meanes got the possession of one deede of demise indented made vnto the plaintife, detaineth the said demise and by colour thereof doeth occupy the tenements demised and taketh the profits to his owne vse.

Sect. 116

IN most humble wise complaining sheweth vnto your good Lo. your daily Orator J. M. of B. in the Countie of N. That whereas one T. C. of D. within the countie of M. did by his deede indented of demise about the 15. yeare of the reigne of our Soueraigne Ladie the Q. Maiestie that now is, demise and graunt to your said Orator, ten acres of land, fiue acres of meadow, and fiue acres of pasture with the appurtenances, lying and being in B. aforesaid: To haue and to holde to your said Orator and his assignes, for the terme of 21. yeares, from and after a certaine day therein expressed, if the said T. C. should so long liue, for the yerely rent of twenty shillings, paiable at the feast of M. and Saint M. the Bishop in winter, by euen portions. But now so it is, if it may please your good Lordship, that the said Indenture, the certaine date or contents whereof, your saide Lordships Ora-

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tor knoweth not, before the day when the said lease should begin and take effect, did by casuall meanes come to the hands, custody and possession of one I. W. who made his Will and Testament, and therein appointed E. then his wife, his sole executrix and died, by and after whose death the said Indenture came into the hands and custody of the said E. since which time the said E. did marie, and take to husband one R. I. of B. by reason of which intermariage the said Indenture is now come to, and remaineth in the hands, custodie and possession of the said R. I. and E. his wife, or of the one of them, who by reason of having of the said Indenture, without any iust title or interest therein haue entred into the said premisses with the appurtenances, and will not in anie wise quietly permit and suffer your L. said Orator to haue and enioy his said terme, of, and in the premisses, according to his lawfull right and interest therein, but contrarie to all equitie and good conscience, haue euer sithence taken and conuerted, and as yet doe daily take and conuert the issues to their owne proper vse and behoofe, and will neither deliuer vnto your Lo. said orator the said Indenture, nor permit and suffer him to haue & peaceably enioy the said premisses, as aforesaid, or any part thereof, although your said Orator hath at diuers and sundry times required them so to do. In consideration whereof, and forasmuch as your L. said Orator is without all helpe and remedie at the common law, for that he knoweth not, nor remembreth the dates or contents, or any other certainty of the said Indenture, May it please your good Lo: to grant her Maiest. gratious writ of Subpœna, to be directed to the said R. I. and E. his wife, and to either of them, commanding them and either of them thereby, personally to appeare before your honor in her Ma. high court of Chancerie at Wl. at a certain day, & vnder a certaine paine by your honor therin to be limitted, there, &c.

A Bill against an Infant for boarding, and apparell deliuered to him by the Plaintife, and for not performing of a lease.

IN most humble wise complayning, sheweth vnto your honourable Lordsh. your daily Orator T. T. of B. in the countie of D. husbandman: That wheras about foure yeares now last past, one G. G. of B. aforesaid Yeoman, being seised in his demesne as of fee, of and in diuers landes, tenements, and hereditaments with their appurtenances in B. aforesaid, holden in Sotage of I. S. as of the manor of D. which said tenements and premisses the said G. B. had by discent, by and after the death of B. his late father, and the said G. B. being thereof so seised, and being of the age of xx. yeares or thereabouts, and vnder the age of xxj. yeares, about the xvj. day of July which was in Sect. 122

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the thirtieth yere of the reigne of the Qu. moſt excellent Maieſtie that now is, by meanes, counſaile, procurement & perſwaſion of diuers euil diſpoſed perſons (that is to ſay) one A.C.I.P.W.P.L.C.H.P.N. H.W.P. and D.M. intending by their vngodly compact and practiſe to make a prey of the ſimplicitie of your ſaid orator, being an ignorant vnlearned man, the ſaid G.B. came vnto your ſaid Orator, pretending that he did then beare great good will and fauour to your ſaid Orator, and therefore intreated your ſaid Orator that he might bord and remaine with your ſaid Orator in his houſe at B. aforeſaid, and not only haue meate, drinke and lodging, but alſo ſuch apparell and raiment as your ſaid Orator ſhould thinke meet and conuenient for his degrée and calling, at the coſts and charges of your ſaid Orator, promiſing faithfully and fully to ſatiſfie your ſaid orator for all ſuch charges and expences as he by reaſon of the premiſſes ſhould in any wiſe ſuſtaine. Wherfore your ſaid orator giuing credit vnto the ſaid G.B. in the premiſſes, and thinking that that he had faithfully promiſed he would fully & effectually haue performed, did then fully conſent & agrée, to, & with the ſaid G.B. to find him meat, drink, lodging and apparel, as is aforeſaid, for the conſideration premiſed as is aforeſaid: by pretence whereof the ſaid D.B. about the ſame time came to the ſaid houſe of your ſaid orator, & remained there with your ſaid orator, vntill about the ſecond day of Febr. then nert following, during all which time your ſaid orator at his owne proper coſts and charges, did prouide and finde for, and vnto the ſaid G.B. all maner of neceſſary meate, drink, lodging, apparell, & all other things neceſſarie for him. About which ſecond of Febr. the ſaid G.B. pretending to continue his ſaid fauour and good will towards your ſaid orator, by the like counſell, meanes, and perſwaſion of the ſaid euill diſpoſed perſons, and by their compact and agreement, did demiſe and leaſe vnto your ſaid orator, all, or the moſt part of all the ſaid meſſuages, tenements, and premiſſes, that he the ſaid G.B. ſo had, as is aforeſaid, by diſcent from his ſaid father, To haue and to hold the ſaid tenements and premiſſes, with thappurtenances, to him, his executors, and aſſignes, from the Feaſt of the Annunciation of the bleſſed virgin Mary then nert enſuing, vnto the end and terme of three yeres then nert enſuing, your ſaid orator and his aſſignes, yéelding and paying therfore at the end & expiration of the ſaid terme of three yeares xx. li. of lawfull Engliſh money. And alſo finding vnto the ſaid G.B. during the ſaid terme of three yeares conuenient lodging, meate, drinke, apparell, and alſo keeping for the ſaid G.B. twenty ſheepe, by reaſon of which demiſe, your ſaid Orator about the ſaid Feaſt of the Annunciation of the bleſſed virgin Marie, did enter into the ſaid demiſed meſſuages, tenements, and premiſſes, & occupied the ſame meſſuages, te-

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nements, and premisses, by the space of two yeres, or thereabouts, and during the same time, did at his owne costs & charges provide and find vnto the said G.W. convenient meat, drinke, lodging, & apparell, and also his xo. sheep, according to the said agreement, and besides those xx. fortie sheep more at the least, to the charges of your said orator, of one hundred markes at the least. But now so it is, if it may please your honourable Lordship to understand, that about the first day of March, which was in the 32. yeere of our Soueraigne Lady the Q. maiesties reigne that now is, your said orator having then inned into the barns of the said tenements and premisses forty loads of hay, or thereabouts, part thereof did grow vpon the said tenements and premisses, but the most part thereof was brought from other places, and having also manured the said grounds to his exceeding great costs & charges, the said G.W. being then of full age, by the like perswasion and procurement of the persons aboue said, did enter into the said demised tenements and premisses, whereof your said orator was then quietly possessed, as hee then found the same. And he together with the said A.E. I.H. W.H. C.H. P.H. N.H. W. and H.G. did take away and conuert to their owne vses, the most part of the said xl. loads of hay, or thereabouts, to the value of xx. marks at the least. By meanes whereof your said orator having against the winter before prouided great store of beasts & cattell for to haue eaten the said hay for the sustenance of them, he was inforced to buy, and did buy a great quantity of hay at an exceeding price, or else to haue famished the most of his said beastes for want of fodder, which was to the great losse and damage of your said Orator: Nevertheless, the said G.W. by the like counsell and perswasion of the said euill disposed persons, albeit hee hath bin sundry times gently required by your said orator to make vnto him some reasonable recompence and satisfaction for the losse of his said terme, and his other dammages, and for such costs and charges as hee had bestowed for the manuring and bettering of the said grounds so to him demised, and for such costs and charges as he your said orator did sustaine & beare, for and by reason of the keeping and maintaining of him the said G.W. as is afore said, which parcell, meat, drinke, and lodging, he vtterly denieth and refuseth to yeeld vnto him any manner of satisfaction or recompence for the same, or part thereof, alleaging, that at the time of the making of the said seuerall contracts, he was within the age of xxi. yeares, and therefore, and for the incertainties of the same contracts be meerly voide in law. And not so contented, doth yet by the like counsell and perswasion of the said euill disposed persons, sue your poore orator for the occupation and vse of the said groundes, and for the profites and commodities thereof during the foresaid terme. Notwithstanding

that he himselfe and his said confederates did so as is aforesaid, vniustly take away your Orators said hay, being of farre more daine then the profits which he euer received, for, or by the grounds so to him demised, did amount vnto, against all right, equitie, or good conscience. In tender consideration whereof, and forsmuch as your said Orator is a very poore man, and hath no ordinary remedy by the strict course of the common lawes of this realme and dominion of England, either to defend himselfe in the said suit, or to recouer any thing at al against the foresaid G.B. aswell by reason that the said seuerall contracts and agreements were so vncertainly made, as is aforesaid with him, being at the making hereof an infant, as for that the same contracts and agreements were made priuately betweene your foresaid Orator and him the said G. B. few or none being present thereat, which can testifie the same, neither can your said Orator set downe in certaine, how much of his said hay they did so take and carry away, and yet is there great cause in equity why your said orator should be relieued for the same in this honourable Court. It may therefore please your honorable L. the premisses graciously considered, to graunt vnto your said orator the Qu. Maiesties most gracious seuerall writ of Subpœna, to be directed vnto the said G.B. A.E. I.M. W.M. L.C. H.M. N.H. W.H. and H.G. and euery of them, thereby commanding them and euery of them vnder a certaine paine, and at a certaine day therein to be limited and appointed, to be, and personally to appeare before your honorable L. in her Maiesties most high court of Chancerie, then and there to answere vnto the premisses, and to abide such further order and direction therein, as to your honorable L. shall seeme to stand with right, equitie, and good conscience. And your said Orator shall daily pray vnto almighty God for the preseruation of your honorable Lo. in good health long to continue with much increase of honor &c.

A Bil of debt vpon a contract against the surviuing partner, or ioynt chapman, and the administrator of the other.

Sect. 123

IN most humble wise complaining, sheweth vnto your honorable L. your daily orator R.P. of L. in the county of York chapman: That whereas the third day of May now last, which was in the 35. yeere of the most prosperous raigne of our most gracious Soueraigne Lady Eliz. the M. most excellent Maiestie that now is, and before and after the said third day of May, one W.L. of W. in the county of H. Grasier, now lately deceased, were chapmen, parteners, coparcioners, or parting fellowes, did then as parteners and prating fellowes iointly occupy together in all maner aswell of buying and selling, bartering, or bargaining of beasts and cattell, with their seuerall stockes, and of,

and

and with diuers other goods, beasts and cattell taken vpon their credit and of, and with all increase and gaines from time to time arising and growing by reason of their said occupying, as by their ship, liuing, exchange or otherwise, for a certaine time certainly therin expressed. W. T. & R. W. priuately agreede vpon, and it was also then agreed betweene them, that during the time of their said ioynt occupying together or partnership, either of the said parties should be faithfull & true to other in buying, selling and otherwise, as is aforesaid. And all such lucre, profit, & gaine, aduantage, benefit and winning, as should come, grow, or arise in buying and selling any beasts or cattell, during their ioint occupying or partnership, should be equally parted and deuided betweene the said parties, so as either of them should haue his iust and true moitie and portion of the same. And that at such times as it was betweene them agreed vpon, either of them should make a iust & true reckoning & account with other of buying and selling of al such beasts and cattell, and otherwise, as aforesaid. And it was then also agreed betweene them the said W. T. & R. W. that if any losse or charge shall happen to either of the said parties at any time or times during their said ioint occupying together, and partnership by death of cattell, euil dets, casualties, or otherwise, concerning their ioint occupying to any part of the said stock in buying and selling of beasts or cattell, or otherwise, as is aforesaid, to be impaired, that the same losse & charge should be equally borne by both the said parties. And if it should happen either of the said parties to die during the said ioynt occupying or partnerships, then the executors or administrators of the goods & cattells of the partie so dead should make a iust and true account, payment and deliuerie of such part of all encrease, gaines, beasts, cattell and debts, as should be due to the party surviuing. And in like maner that the party surviuing should make and declare to the executors of the goods & cattells of the partie so dead, a iust, true, and perfect account & reckoning of all the state and quality of their said ioint occupying or partnership, and also pay, deliuer and assigne vnto the said executors or administrators of the partie so dead, such moitie, halfe part and portion of the said increase, gaines, beasts, cattell, and debts, as vpon the same accounts should then haue bin due vnto the partie so dead in so large and ample manner, as if he had beene then liuing, and the said ioint occupying there ended, at such times, and in such maner, as it was betweene the said parties agreed vpon: by force of which agreement, they the said W. T. and R. W. iointly, as copartners, ioint chapmen, partners, or parting fellowes, occupied together their said stockes, and other things aforesaid, & according to their mutuall agreement, by buying, selling, and exchanging of beasts and cattell, and otherwise, in sundry fairs

and Marketes of this Realm of England, and with diuers and sundrie of her Maiesties faithfull and louing subiects vntill the day of &c. now last past, at which time the said R. W. dyed, and the said W. T. him survyued, during which said ioynt occupying together, partnership, or societie, that is to say, the xj. day of May now last past, the said R. for and to the vse of himselfe, and of the said W. T. his partner and ioint chapman, as is aforesaid, at P. in the Countie of N. did buy of your Honors supplyant in the open market then there holden, three oxen for vj. li. v. s. of which sum, part was then in hand paied, and the residue was then agreed to be paid vnto your Orator vpon the Tuesday in Whitson week then next following in N. aforesaid, and also vpon the Wednesday ensuing the day, commonly called or known by the name of Holythursday, the said R. W. did also buy to the vse of him, and the said T. of your said Orator other two oxen for viij. li. to haue ben paid to your Orator vpon the said Tuesday in Whitson weeke, at N. aforesaid, which said oxen were then accordingly delinered to ỹ said R. W. at N. aforesaid, and shortly after the said R. W. delinered the same oxen to the hands of the said W. T. and died, not hauing paid or satisfied this your Orator of and for the said xiij. li. nor of any part thereof, according to the said bargain, the said oxen remaining in the hands and possession of the said W. T. and after the time of the death of the said R. W. and were sithence by him the said W. T. conuerted to his own only vse, by meanes whereof, action accrued vnto your said Orator to demand and haue of the said W. T. and of one E. W. of S. in the Countie of E. widow, late wife of the said R. W. or of one of them, the said xiij. li. so to him due for the said oxen, which the said E. W. by the consent and consent of the said W. T. and R. W. became executor to the said R. W. and wrongfully administred and conuerted to his own vse diuers goods and cattels which were belonging to the said R. W. at the time of his death. And albeit your said Orator hath diuers and sundrie times come ỹ sent to the said W. T. ỹ E. since the death of the said R. W. gently requiring payment of the said sum of xiij. li. so as aforesaid being behind and vnpaid of the price of the said oxen, notwithstanding that diuers goods ỹ cattels which were the said R. W. at the time of his death sufficient for the contentation of your said Orator, of, and for his said debt of xiij. li. and also to performe the funerals of the said R. W. and to satisfie all debts which the said R. W. ought to any person or persons at the time of his death, came to the hands and possession of the said W. T. or E. W. or to the hands ỹ possession of such person or persons, to whom they the said W. T. ỹ E. W. or the one of them, haue left, yelded or delinered the same, ỹ in their or some of their hands doth still remain. Notwithstanding they ỹ either of them haue

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diuerse and sundry times since the death of the said R. W. bin by your said Orator and others in his behalfe gently required to pay the same, yet that to doe, they and either of them haue euer hitherto denied and refused, and yet do deny & refuse to pay the same vnto your said Orator, fraudulently intending thereof & of euery part thereof craftily and subtilly to defraud & deceiue your said Orator. And for that purpose haue secretly conueied, concealed, and hid a great part of the goods and chattels, which the said R. W. had at the said time of his death being of good value to diuerse persons, and in diuers places to your Orator vtterly vnknowen, so that the same being by that meanes left out of the inuentory of the goods of the said R. W. to thintent to daze and blind the eyes of your said Orator, and of sundry of the said R. W. creditors, to whō he was in like maner indebted, not knowing the truth of their dealing, and vngodly practices & deuises, intending by such colourable means, either vtterly to defraud his said creditors, or so to enforce the to rest contented with some small part of their true and lawfull debt. And whereas afterwards, that is to say, vpon Tuesday next after Midsummer now last past, your Orator and one T. T. of L. in the county of L. husbandman, by a priuat agreement between them made, did ioyntly buy of diuers persons to the vse of them both, eight oxen, and seuen bullocks or steers for diuers seuerall sums of money, and afterwards the said beasts, that is, vij. of the said oxen, and the said vij. bullocks or steeres, for the price of which fourteen beasts, & of the said odde ox, your Orator and the said T. T. afterwards priuatly accounted, and he thereupon satisfied your Orator all that to him was due for the same but 3. li. 13. s. 4. or thereabouts, and being perswaded by the said W. T. and E. W. and by their pernitious example, not satisfied with their former wrong, as is said, offered to your said Orator, haue also perswaded the said T. T. not to pay to your said Orator the said sum of 3. li. 13. s. 4. d. or thereabouts, so to him due, for the price of the said oxen, so that albeit the said T. T. hath oftentimes since the making of the said bargain and account, bin gently required by your said Orator and others on his behalfe, yet he hath euer hitherto denied and refused to make paiment thereof, and still doth denie and refuse to do the same against all right, equitie, and good conscience, which vnlawfull practises of the said W. T. and E. W. and T. T. are likely to be to the great losse and hinderance of your said Orator, if speedy remedie bee not by your good Lo. prouided to meet with, and preuent their couetous and most vnconscionable dealings & purposes in the premisses: wherefore, and forasmuch as the said agreement of partnership, and otherwise, made betweene the said W. T. and R. W. and also all the compacts and practices made by and betweene the said W. T. and the

ſaid E. W. ſince the death of the ſaid R. W. And alſo the ſaid agree-
ment of the ioynt buying of the ſaid xv. beaſts by your Oratour and the
ſaid T. and alſo the ſaid bargaine betweene your Orator and the ſaid
R. W. for the ſaid 5. oxen, as alſo the ſaid ioynt buying of the ſaid xv.
beaſts by your Orator, and the ſaid. T. T. were ſecretly and priuately
made betweene themſelues, ſo that there is no perſon liuing knowne
to your ſaid Orator, but the ſaid W. T. E. W. and T. T. priny there-
vnto, that can teſtifie the ſaid ſeuerall contracts, made betweene your
ſaid Orator, and the ſaid R. W. of, and for the ſaid 5. oxen as is afore-
ſaid, and the ſaid ioynt buying of the ſaid xv. beaſts by your ſaid Orator
and the ſaid T. T. and their ſaid accounts touching the ſame, or ỹ ſaid
ioint occupying or partnerſhip betweẽ the ſaid W. and T. or the ſaid
concealemẽt, cunning, cloſe, and vnlawful dealings of the ſaid E. W.
and T. in the premiſſes, ſo ỹ your ſaid Orator through the want of ſuch
preciſe proofe thereof (as the ſtrict courſe of the common Lawes of this
realm doth in that behalfe require) is altogethether remedileſſe by the
Order of this honorable Court, wherin your Orator hertily hopeth that
the ſaid W. T. E. W. and T. T. in their ſeuerall anſwers to the pre-
miſſes, will ſeuerally vpon their corporall othes, confeſſe the ſaid pre-
miſſes to be in effect, as they haue beene herein diſcloſed and ſet forth:
It may therfore pleaſe your honorable good L. the premiſſes gratiouſ-
ly conſidered, to grant vnto your ſaid Orator her Maieſties moſt gra-
tious ſeuerall writs of Subpœna, to be directed to the ſaid W. T. E.
W. T. T. and to euery of them, thereby commanding them, and eue-
ry of them, at a certaine day, and vnder a certaine paine therein limit-
ted, to be, and perſonally to appeare before your honorable Lo. in her
Maieſties moſt high court of Chancerie, then and there to anſwer vn-
to the premiſſes, and abide ſuch further order and direction therein, as
to your honorable L. ſhall ſeeme to be agreeable with right, equity, and
good conſcience. And your ſaid Orator ſhall daily pray &c.

A Bill vpon a promiſe to forbeare debt due by Obligation vntill another day, and yet ſuing the bond.

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IN moſt humble wiſe ſheweth and complaineth vnto your honoura-
ble L. &c. That whereas one R. F. of &c. in the county aforeſaid gen-
tleman, was indebted to one W. P. of D. aforeſaid, in the ſum of &c.
And whereas your ſaid Orator at the ſpeciall and earneſt entreaty and
requeſt of the ſaid R. F. about two yeares laſt paſt, became bounden
for the ſaid F. vnto the ſaid W. P. by his deed or writing obligatorie,
in the ſumme of &c. which condition therein contained or indorſed for
the payment of the ſumme of &c. vnto the ſaid W. P. at the feaſt of &c.

which

which was in the yeare &c. at or in the Church-porch of &c. aforesaid, as by the said deed or writing obligatory doth and may appeare: which said summe of &c. your said Orator had appointed in a readinesse, and purposed to pay the same at the time and place aforesaid, according to the condition of the said writing obligatorie: whereupon the said W. P. the verie day appointed for the payment of the said &c. or the day before, the certaintie whereof, your said Orator now remembreth not, came vnto your said Orator, and vpon speech had betweene your said Orator and the said P. touching the payment of the said money: The said P. was contented, and did agree to forbeare the payment thereof vntill the Feast of P. then next following, and did faithfully assume and promise, to, and with your said Orator, both then, and at diuerse times after, to forbeare the payment thereof vntill the said Feast, and that he would not take any aduantage of the forfeiture of the said bond against your said Orator, but would cancell the said bond, and take a new bond for the payment thereof, at the said Feast of Pentecost aforesaid, but neuer required any new bond from your said Orator: and your said Orator giuing credit to his promise and assumption aforesaid, did not pay the said summe of &c. according to the conditon of the said writing obligatorie. After which time the saide W. P. did oftentimes promise your said Orator to deliuer the said bond of &c. to your said Orator to be cancelled, and to take a new bond for the payment of the foresaid summe of &c. at the said Feast of Pentecost, according to his promise and agreement aforesaid: and your said Orator doubting that the said P. ment to delay him, and driue him of from time to time, and not fearing least the said P. should take anie aduantage of the forfeiture of the said bond against him, in Michaelmalle Terme last past, your said Orator demaunded the said bond againe of the said P. in L. who tolde your saide Orator, that he had deliuered ouer the said bond vnto one W. W. being his brother in lawe, to whom he had assigned ouer the said bond, and could not release or discharge the saide bond without the assent of the saide W. W. but would make meanes to the said W. W. for the deliuerie of the same, and seemed to make diuerse iourneyes to the saide W. W. to fetch the same: And so from time to time delayed your saide Orator, and driue him out with faire wordes, vntill such time as your saide Orator was vpon occasion of businesse, inforced to ride out of L. into the Countrey: And shortly after, your saide Orator purposing to get the same bond out of the saide P. and W. hands, did in the said Michaelmalle Terme send one G. H. his seruant to L. with the said money, to make payment thereof vnto the said W. and P. and to receiue the said bond, who comming to L.

accordingly to the said W. & P. and declaring vnto them, that he was come to make payment of the foresaid summe of &c. and to receiue the said bond. The said W. then told the said P. that the said bond was not then in his custody or keeping: but the said W. did then and there promise, that if the said P. would deliuer ouer a bond which he had in his keeping of trust, to the vse of the said P. that then the said W. and P. would the next day following come to the said P. his lodging, and receiue the said &c. and deliuer ouer the foresaid bond of &c. vnto him, vpon whose promise the said P. did then presently (trusting in his faire speeches) deliuer the said bond which he had, to the vse of the said P. to the said P. or W. accordingly. But so it is, if it may please your good Lordship, that the said P. and W. nothing at all regarding their foresaid seuerall promises, agreements and assumptions made, to and with your said Orator, and the said P. as aforesaid, haue not only hitherto refused and denied to deliuer ouer the said bond of &c. vnto your said Orator, according to the promises and agreements made, as aforesaid, but yet doe vtterly refuse and denie to doe the same: albeit your said Orator did oftentimes both before the said Feast of &c. as aforesaid, and diuers times since, offer to make payment of the said summe of &c. vnto the said P. and W. according to the foresaid agreement, and yet is ready and willing to pay the same. But also the said P. and W. purposing to bring vpon your said Orator the whole penaltie and forfeiture of the said bond of &c. haue, or one of them hath of late, contrarie to the foresaid assumptions and agreements made, as aforesaid, and contrarie to all honestie, equitie, and good conscience, commenced suit at the Common law against your said Orator vpon the said bond to his great losse and hinderance. And the said W. hath of late vtterly denied, that euer he promised to forbeare the payment of &c. vntill the foresaid Feast of &c. contrarie to the truth, and contrarie to all equitie and good conscience. In tender consideration whereof, and forasmuch as your said Orator cannot plead the promise and agreement of the said P. made to your said Orator, for forbearing of the money (as aforesaid) in bar of the said bond at the Common Law, and thereby is void of all remedie, at and by the strict order and course of the Common Law of this Realme, nor can vse nor bring any action of the case against the said P. or W. vpon their said promises and assumptions, for that your said Orator cannot make any such sufficient proofe thereof, as by the Common Law is in such case required, for that the same were made priuately betweene them selues, and no witnesses called thereunto. And forasmuch as your said Orator verily thinketh, that the said W. P. and W. W. being called into this most hon. Court to answer to the premisses, will in their answer vpon their Corporall

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oathes confesse the foresaid conclusions, promises, and agreements made, as aforesaid, and disclose the trueth of the premisses. May it therefore please your good Lordship, the premisses considered, to grant vnto your said Orator, the Queenes most gratious Writ of Subpena, to be directed vnto them the said W.P. and W.W. commanding them and either of them, at a certaine day, and vpon a certaine paine by your good Lordship to be appointed, personally to appeare before your good Lordship in the Queenes Maiesties most high Court of Chancerie, then and there to answer to the premisses: and further to stand to, and abide such further order and direction therein, as to your good Lordship shall be thought most meete and conuenient in that behalfe. And your said Orator, according to his bounden dutie, shall daily pray vnto GOD for the good and prosperous estate of your Lordship in honor long to continue.

The Answer of W.P. and W.W. defendants, to the Bill of Complaint of E.L. complainant.

THe said defendants, and either of them saith, that for the most part the said Bill is vntrue, slanderous and insufficient in the law to be answered vnto, and the matters therein conteyned, deuised of malice, to put these def. to needelesse charges and expences in Law, without any sufficient cause so to doe. The aduantage of exception to which insufficient Bill to these def. at all times saued, for answer they say, and first the said W.P. for himselfe saith, that true it is, that the said complainant did become bound to these def. by his obligation in the summe of &c. with condicion indorsed for the true payment of the said summe &c. at a day long since past, the which summe this defendant did verily thinke to haue receiued accordingly, and thereof did make reckoning, as of a debt then to be payd to him, and for that cause did at the verie day appointed for the payment of the same, repaire vnto the place specified in the condition of the said obligation, where the said mony should be payd, and there did attend for the same, in hope to haue receiued it accordingly: but the said complainant meaning nothing lesse then the satisfying of the said debt, left the same vnpayed, to the great hinderance, losse and discredit of these defendants. And this def. further saith, that he hath often and sundry times sithence the said money was due, made meanes to the complainant for payment of the same, who from time to time with faire promises (now almost these three yeares) hath delayed this def. to his greater hinderance, then the value of the said summe: by reason whereof, and forasmuch as the complainant hath sought diuers indirect waies and meanes to get the said obligation &c. out of the hands of this defendant with intent neuer to pay pennie of the debt aforesaid: this defendant hath caused

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the ſaid obligation to be put in ſuit, as he thinketh it is lawful for him to do, without that, that the complainant to the knowledge of the def. did prepare in a readineſſe to haue paid the ſaid &c. at the time & place, according to the condition of the obligation aforeſaid: Or that this def. vpon the very day appointed for the payment of the ſame &c. or the day before (or in truth at any time elſe) did come to the complainant, and had ſpeech with him, that he was contented, and did agree to forbeare the payment thereof, vntil the feaſt of &c. then next following, or did aſſume and promiſe to and with the complainant, both then and at diuers times after, to forbeare the payment thereof vntil the ſaid feaſt, and would not take any aduantage of the forfeiture of the ſaid bond, but would cancell the ſaid bond, and would take new bond for the payment thereof, at the ſaid feaſt of P. as in the ſaid Bill is moſt falſely declared. And without that, that the ſaid complainant, to the knowledge of the defendant, did ſend one G. M. his ſeruant to L. with the ſaid money to make payment thereof to one of theſe defendants, as alſo in the ſaid Bill of Complaint is vntruely alleadged. For this defendant ſaith, that he ſought often to the complainant, and made meanes vnto him, to haue the ſaid defendant either to be paid in money, or that he might be ſatisfied thereof ſome other way, who made him many promiſes to doe the ſame with ſpeed, but neuer meant or intended it, for any thing that this defendant could get to the contrarie. And the ſaid W. W. the other of theſe defendant for himſelfe ſaith: That whereas he is charged to haue made promiſe to the ſaid W. that if he would deliuer a bond which he had in his keeping of truſt, to the vſe of the ſaid P. that then he this defendant and the ſaid P. would the next day following, come to the ſaid W. his lodging, and receiue the ſaid ſumme of &c. and deliuer ouer the ſaid bond of &c. He this defend. ſaith, that he neuer made any ſuch promiſe to the ſaid W. to his remembrance, neyther was there any cauſe at all that he ſhould ſo doe, as well becauſe in truth, and in honeſty the ſaid W. ought to make deliuerie of the ſaid bond, ſo committed vnto him, but of truſt, as appeareth by the plaintifes owne ſhewing, as alſo for that this defendant was informed that the ſaid W. had deliuered the ſaid bond before that they two met together to talke of the ſaid debt. And this defendant further ſaith, that although it were true, that he made ſuch promiſe (as aforeſaide) yet were it nothing at all materiall for the reliefe of the complainant, as well for the cauſe aforeſaid, as alſo for that this defendant had no power of himſelfe to doe either good or hurt in the matter. And without that, that any other matter or thing whatſoeuer materiall in the ſaid vntrue Bill to be anſwered vnto, and not in this Anſwer ſufficiently anſwered, confeſſed, and auoided, trauerſed, or denied,

denied, is true. All which matters these Defendants are readie to auerre and prowe, as this most honorable Court shall award, and pray to be dismissed with their reasonable costs in this behalfe wrongfully sustained.

The Replication of E. L. Esquire Complainant, to the answer of W. P. and W W. Defendant.

THe said complainant replieth and saith, that the said bill of compl. by him exhibited into this honorable Court, is very true, certaine and sufficient in the Law to be answered vnto, and that the matters therein contained, are neither deuised, imagined, practised, or set forth by him the said complainant, for any such cause or purpose, as the Defendants in their answers haue vntruely imagined, but the same is grounded vpon good and iust cause, as by the contents thereof doth and may appeare. And further saith, that the answere of the said Defendant is very vntrue, vncertaine, and insufficient in the Law to be replied vnto. The aduantage of exception to the incertainty and insufficiencie therof to the said complainant, now, and at all times hereafter saued. The said compl. for further replication saith, that he doth, and will auerre, iustifie, maintaine, and prowe, all, and euery matter, article, sentence, and thing, in the said bill of complaint contained, to be good, iust, and true, in such sort, maner, and forme, as in the said bill of complaint they be truly set forth, shewed, and declared. And further the said complainant saith, that he doth and will auerre and prowe, as this most honorable Court shall and will award, that the said Complainant did prepare in a readinesse, and purposed to pay the foresaid summe &c. in the said bill and answer mentioned, at the time and place in the condition of the said Obligation mentioned, according to the true intent and meaning of the condition of the said Obligation, in such sort, manner, and forme, as in the said bill of complaint is most truely set forth and alleaged. And that the very day appointed for the payment thereof, or the day before, the said W. P. one of the said def. did come to the said compl. and vpon speech had betweene the touching the payment of the said money, the said defendant was contented, and did agree to forbeare the payment thereof, vntill the feast of &c. then nert following, in such sort, maner, & forme, as in the said bill of compl. is most truely alleaged. With that also, that the said W. P. did faithfully assume & promise, to, and with the said compl. both then & at sundry times after, to forbeare the payment thereof, vntill the feast of &c. aforesaid, and would not take any aduantage of the forfeiture of the said bond against the said compl. but would cancell the said bond and take new bond for the paiment thereof, at the feast aforesaid. And that

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the said complainant, relying vpon the foresaid agreement, promise, and assumption of the said P. for the forbearing of the said &c. vntil the said feast of &c. aforesaid, and for the taking of a new bond for the payment thereof, at the feast aforesaid, did not pay the same according to the condition of the foresaid Obligation, which otherwise hee would haue done, in such sort, maner, and forme, as in the said bill of compl. is also most truly set forth and declared. And with that also, that the compl. in Mich. Terme last past, sent the said G. W. his seruant to L. with the said money to make payment thereof. And that the said W. W. the other def. vpon offer of tender of the foresaid summe of money by the said A. The said W. W. did promise to deliuer the said bond vnto the said A. within short time after, so as the said A. would deliuer ouer a bond which he had in his keeping, to the vse of the said P. and would also at a time between them agreed on, make payment of the said summe of &c. which bond was deliuered ouer accordingly, to the said P. or W. by the said A. And the said A. was ready to tender and pay the said money, according to the said appointment, in such sort, maner, and forme, as in the said bil of complaint is also truly alleaged. Without that, that the said W. P. one of the said def. sought often to the said compl. and made meanes to him to haue the said debt, either to be paied in money, or that he might be satisfied thereof some other way, who made him many faire promises to do the same, but neuer meant, or intended it, in such sort, maner, and forme, as in the said answer is most vntruly alleaged: for the said complainant saith, that he did often and sundry times, both before the said feasts &c. and diuers times sithence, offer to make payment of the said summe &c. vnto the said W. P. and W. and alwaies was, and yet is ready and willing, vpon the deliuery of the foresaid bond, to pay the same, in such sort, as in the said bill of complaint is most truely shewed and alleaged. And without that also, that any other thing, matter, or circumstance in the said answer mentioned, materiall or effectual to be replied vnto, and in this Replication not sufficiently confessed, auoided, denied, trauersed, or otherwise replied vnto, is true. All which matters the said compl. is ready to auerre and prone, as this most honorable Court shall and will award. And praieth, as before in his said bill of compl. he praied.

The ioint and seuerall Reioynder of W. P. and W. W. defendants to the Replication of E. L. complainant.

Sect. 172. THe said Defendants say, and either of them for himselfe seuerally saith, that the Replication of the said complaint is vniust and vntrue, and very insufficient in the law by these Defendants, or either of them

them to be reioyned vnto. Notwithſtanding all aduantage of exception to the incertainty and inſufficiency therof to theſe def. and to either of them at all times hereafter be ing ſaued, for reioynder vnto the ſaid inſufficient replication, Theſe defendants ſay, and either of them for himſelfe ſeuerally ſaith in all and euery matter and thing, as they and either of them in their ſeuerall anſwers haue ſaid, without that, that any other matter, cauſe or thing whatſoeuer, materiall or effectuall contained in the ſaid replication, and by theſe def. or either of them to be reioyned vnto, and not herein ſufficiently confeſſed and auoided, trauerſed or denied, is true. All and euerie which matters and things theſe def. and either of them are readie to auer and proue &c.

A Bill for detaining lands with euidences.

MOſt humbly complaining &c. your daily Orator I. S. of A. in the Countie of H. Huſbandman: that whereas R. S. of H. in the Countie of H. aforeſaid Huſbandman, and grandfather to your Orator, was in his life time ſeiſed in his demeſn as of fee, or in fee taile, of, and in certaine meſſuages, lands and tenements, to the yearely value of &c. or thereabouts, lying in H. aforeſaid, and of the ſame dyed ſeiſed: by force whereof the ſaid tenements deſcended and came (as of right they ought) vnto one I. S. father to your ſaid Orator, ſon and heire to the ſaid R. who afterwards entred into the ſame, and was for diuers yeares ſeiſed of the tenements accordingly, vntill about the firſt yere of the raigne of the late K. Edward the vj. At which time one W. G. of H. aforeſaid, happening by caſuall meanes to get into his poſſeſſion al the euidences, charters and writings concerning the ſaid lands and tenements: and knowing that your ſaid Orators father could not for want of thoſe euidences, charters and writings defend his right, title and intereſt to the lands aforeſaid, entred alſo into the ſaid tenements and the ſame wrongfully did withhold and detain, during the terme of his naturall life: ſithence which time one T. G. of H. aforeſaid, & E. G. widow, mother to the ſaid T. hath alſo entred into the ſaid tenements and the ſame to this day moſt vniuſtly withholdeth, together with all the charters, euidences and writings aforeſaid, which in right and equitie belong and appertain to your Orator, as ſonne and heire to the ſaid I. S. now deceaſed. In tender conſideration whereof, and for aſmuch as your Orator doth not know the certain dats of the charters, euidences and writings aforeſaid, nor of any of them, neither doth know whether they are in bag, or bore ſealed, or in cheſt locked, he is without all remedie at the Common Lawes of this Realme, and alſo without all other meanes how to finde reliefe in this behalfe, except Sect. 128

your

your honorable L. favor extended. And that the said T.G. and G.G. may by your L. order be compelled vpon their oaths, plainly and truly to shew forth their estate, in and to the tenements aforesaid, and also to shew what right, title or interest they haue or clame, in & to the same, and likewise to shew the effect and certain dates of such charters, euidences and writings, aforesaid, as they or either of them haue in their possession concerning the said tenements aforsaid, or any part thereof. May it therefore &c. as before.

The Answer.

Sect. 129

THese defendants by protestation say, and euery of them saith that the Bill of Complaint exhibited into this honorable Court, is for the most part vncertain, vntrue, and insufficient in the Law to be answered vnto. And that the matters therein contained are deuised by the complainant onely, to molest and trouble these defendants, being verie poore, rather then vpon any iust cause. Neuertheless the aduantage of exception to the vncertaintie and insufficiencie of the said Bill to these defendants at all time saued: for answer and declaration of the truth, they say, and euerie of them saith, that true it is that one R.S. of F. in her Maiesties Countie of H. was in his life time seised in his demesn, as of fee, of, and in one messuage, and certaine lands and tenements in H. in the said Countie of H. and being so seised by his deed of feoffement vnder his hand and seale, about the fire and thirtieth yeare of King Henry the eight, conueied and assured the same messuage and lands vnto one J.S. his sonne, and to his heires and assignes for euer, as by the deed of the said R. vnder his hand and seale readie to be shewed vnto this honorable Court doth and may appeare: by force whereof the said J.S. was thereof seised in his demesne as of fee, and being so thereof seised, for a certaine summe of money to him paid by W.G. father of one of the defendants, did conuey and assure the said messuage and lands vnto the said W.S. and his heires with warrantie, as by the deed and release of the foresaid J.S. doth & may appeare: after which the foresaid W.G. the father vnto the said defendant died of the said messuage and lands seised, after whose death these defendants entred into the said tenements, and the same enioyed to their owne profits and commodities, as lawfull was for them to doe: without that, that R.S. of H. in the said Bill mentioned, was seised of the messuage and lands in the Bill mentioned in fee taile, or that the said J.S. father of the complainant was seised of the premisses in the first yeare of K. Edward the vi. or that the said W.G. father of one of the def. got the possession of the messuage, & the euidences concerning the same, otherwise then was lawful for him to do: or that the defendants

or

or any of them do vniustly withhold the said messuage or lands in the bill mentioned, or the euidences concerning the same, or otherwise then is lawfull for them to do in respect of their right. And without that, that the said messuage and landes, with the euidences concerning the same do in right and equitie appertaine to the complainant, as sonne and heire to I.S. the father. And without that, that any other matter or thing in the said bill contained concerning these defendants, & not in this answer sufficiently confessed, and auoided, trauersed, or denied, is true. All which matters these foresaid defendants are &c. vt supra.

The Replication.

THe complainant auerreth & maintaineth his said bill of cõplaint, and all and euery the matters and things therein contained to be very good, iust, and true, in such sort, manner, and forme, as in the said bill of complaint is declared. And saith, that the answere of the defend. for the most part is vncertaine, vntrue, and insufficient in the law to be answered vnto: Neuertheless, all aduantages of exception to the insufficiencie thereof to this complainant, at all times hereafter saued: For replication saith in all and euery thing, as in the said bill of complaint hee hath said. And further saith, that he doubteth not but that he can very sufficiently proue that the said I.S. this complainants father, was about the first yere of the raigne of king Edward the first, or not long before, seised in his demesne as of fee taile of the aforesaid messuage, lands and tenements in the said bill mentioned. And he also hopeth to proue all the rest of the said bill to be true, in such sort as the same is truely declared and set downe: without that, that the foresaid R.S. this complainants grandfather beeing seised of the premisses in his demesne as of fee, did lawfully by his deed of feoffement vnder his hand and seale, about the 36. yere of king H. the 8. conuey and assure the said messuage and lands vnto one I.S. his Sonne, and to his heires and assignes for euer: Or that the said I.S. beeing of the premisses seised in his demesne as of fee, for a certaine summe of mony to him paid by the said W.G. father of one of the defendants, did lawfully conuey and assure the said messuage and lands vnto W.G. one of the said defendants, and his heires with warrantie, as in the said answer is very vntruly alleaged: And without that, that the said W.G. father to one of the defendants, died of the said messuage and lands seised in such sort, as in the said answer is likewise declared, or that it was lawfull for the said defendants after the death of the said W.G. to enter and occupy the foresaid messuage and landes, and also in the said answer is inserted. And without that, that any other matter &c. All which &c. vt supra. Sect. 130

A Bill for debt leuied by extent.

Sect. 131

COmplaining sheweth &c. A. B. of &c. That wheras the said A. B. in the beginning of her P. reigne, liuing in her highnesse Court, for his furniture of iewels, plate, money, and such like, had credit with one C. D. Citizen and Goldsmith of London, for the which as he had occasion to borrow any money, or take vp any wares, so hee deliuered his bils or obligations for the true payment of any such money so borrowed, or for the price of any such wares so bought, at dayes betwirt them agreed: which dayes hee alwaies kept, or tooke order for the forbearing thereof by himselfe, or his seruants, such as hee did imploy in those affaires: amongst which there was in D. in the first yeere of &c. a certaine debt or reckoning (of how much certainely hee now remembreth not) betwirt him the said C. D. and the said A. B. for the which he the said A. B. was bound to the said C. D. in the summe of &c. by his deed obligatory, bearing date &c. which obligation (as hee now remembreth) was single with a defeasance for the debt, which was thē agréed vpon to be answered at a certain day following, which said debt he the said A. B. paied accordingly by his then seruants and officers, who vnknowing vnto the said A. B. did negligently (as is to be coniectured) leaue the bonds in the handes of the said C. D. after the reckoning and debt paid or discharged. And so afterwards the said A. B. did deale and continue in further credit with the said C. D. for diuerse other great summes of money, iewels, and plate, some vpon the said Goldsmiths bokе, and some vpon bils & bonds, whereof the most part were afterwards discharged, sauing one debt by Recognisance about the 24. day of &c. in the &c. being to the value of 200. markes. In which said later debt, the said A. B. presuming of friendship, and friendly dealing at the said C. D. his hands, because hee had bēn a verie good customer vnto him, did not so precisely keep his day, thinking hee would haue reasonably dealt with him, being allowed for consideration for forbearing thereof, as at other times hee had done. Notwithstanding, he the said C. D. contrary to the said A. B. his expectation, did put the same Recognisance in suite presently after the forfeiture thereof. And the said A. B. being then busied in her Maiesties seruice, the said C. D. had iudgement vpon the said Recognisance against him before he could send vp to take any order for the said later debt by the said Recognisance, and after tooke execution of the moity of a manor of the said A. B. called &c. in &c. which for the paiment and performance of the said debt was extended vnto xx. marks by the yere, and so did leuy the said whole forfeiture vpon the said A. B. his Manors and lands with great extremity, vpon which extreame dealing,

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he the said A. B, finding himselfe most cruelly and hardly dealt with, did refuse to buy or sell with him, and willed his Bailife of his laide Mano^r to take acquittances of him at euery payment: who not only did so, but vpon the last paiment the foresaid C. D. did acknowledge to him that payed the money, that your said Orato^r was then cleare with him, and did owe nothing, or to such effect, notwithstanding the foresaid A. B. accounted of him as of a very extreame man: which the said A. B. his displeasure towards him being notified and very well knowen vnto him, both by letters from himselfe, and otherwise, yet the said C. D. liuing 9. or 10. yeres after that, it cannot be intended, that hee who whilest they were in amitie, did sue the said A. B. vpon the said recognisance and debt therein contained, beeing of so small a value, would at the first haue left the elder bond and debt, beeing of a greater summe vnsued for, if it had bin vnanswered for, or not payed, much lesse afterwards during all the space of 9. or 10. yeare, when he the said A. B. for his hard dealing had left to be his customer, or to deale with him, & thought but hardly of him, as hee had no lesse cause: so though it be most sure and true, that the said debt, for which the said 200. li. bond was made in the said first yere of the reigne of &c. was long since fully answered, yet it being so long since, the said A. B. cannot precisely call to mind vpon the sodaine who paied it (diuers of his officers which dealt for his reuenues, and especially one I. P. whom principally he vsed in those affaires, being now dead) whereby he cannot vpon a speedy triall at the common law proue the paiment therof, by strict and precise course in that behalfe requisite, and the rather, for that the Indentures for the defeasance of the said recognisance, came by some casuall or negligent means to the hands of the said C. D. and of I. his wife, although it be manifest by the presumptions aforesaid, that the said C. D. would not haue let it lye so long vndemanded, if he had not bin satisfied, which the said A. B. doubteth not to proue in this honourable Court, for that also hee thinketh, there be yet some liuing, that were present at the last reckoning, y^t the said A. B. or his officers made with the said C. D. either when hee agreed for the said extents, or about that time: at which time he the said C. D. did acknowledge, that all matters, debts, & reckonings whatsoeuer were then fully cleared & quit betwixt the said A. B. & the said C. D. And that the said A. B. did not then owe him any thing. But so it is, the said C. D. now being dead, and I. his wife beeing his executrix, who finding the said bond of CC. li. remaining vncancelled, rather as it should seeme by those which haue conferred with her, vpon some words spoken, or conceit of offence, that she hath conceiued of the said A. B. his displeasure towards her late husband, than otherwise vpon any iust cause, shee

the ſaid I. hath publiſhed, that ſhe hath ſuch an ancient bond of the ſaid A. B. bearing date &c. of 200 li. and intendeth to put the ſame in ſuit againſt the ſaid A. B. In tender conſideration whereof, the apparent likelihod of the ſaid debt before recited, being moſt true, and the ſame diſcharged, and yet the proofe of the diſcharge thereof in ſtrict courſe of law being hard for the ſaid A. B. to make, the ſaid I. P. and ſome others who dealt for him, being now dead, and the ſaid defeaſance being come to her hands (as aforeſaid) but onely vpon oath of the ſaid I. D. who was priuie to that, and moſt of her huſbands reckonings and dowings in his life time, and yet would not vniuſtly charge the ſaid A. B. with the ſaid debt, by meanes that ſhe hath both parts of the defeaſance in her hands, wherby the ſaid A. B. cannot plead them, and not knowing the date of them, or wherein they are contained, cannot demaund them by the ordinary courſe of the law. May it therfore pleaſe your good Lordſhip &c.

The Anſwere.

Sect. 132. THe ſaid Defendant ſaith, that the ſaid bill of complaint exhibited againſt her in this hon. Court, is vncertaine, and vnſufficient in the law to be anſwered vnto, and the matters therein contained, vntrue, and contriued more of purpoſe to put the ſaid def. to trouble and expences in law, then for any good or iuſt cauſe: Neuertheleſſe, if the ſame defendant ſhal be compelled by this hon. court to make any further anſwer to the ſame: the the aduantage of the inſufficiency thereof to this defendant at all times hereafter ſaued. For further anſwere the ſaid defend. ſaith, that true it is, that the ſaid A. B. about the time mentioned in the ſaid bill of complaint, began to be a bargainer and buyer of plate and iewels of the ſaid C. D. late huſband to this defendant, and obtained credite at the hands of the ſaid C. D. for the ſum of &c. For payment wherof, the ſaid C. D. preſuming vpon the promiſes of the ſaid A. B. was contented onely to accept of a bare ſingle obligation, which was ſealed & deliuered vnto him about the time mentioned in the ſaid bill, which ſumme of &c. the ſaid C. D. (after the day paſt which was limitted for the payment thereof) often demanded of the ſaid A. B. who notwithſtanding made no paiment at all thereof, but with faire promiſes delayed time, and kept the ſaid C. D. in hope from yeare to yeare, that he ſhould be anſwered therof to the vttermoſt peny. And at the laſt the ſaid A. B. hauing need of certaine other plate or iewels, to the value of &c. intreated with the ſame C. D. to giue him credite for the ſame, and promiſed faithfully, that if the ſaid C. D. would truſt him therewith, that then within ſhort ſpace after hee

would

would truely make payment as well of the C.li. as alſo of the ſaid CC.li. vpon which earneſt intreatie the ſaid C.D. (being a man of a verie good nature, and eaſily led by ſuch as he any way conceiued or thought well of) was contented to ſatiſfie his requeſt: But yet forasmuch as the ſaid A.B. had before that time taken but ſmall regard concerning the keeping of his daies vpon the ſingle obligation aforeſaid, the ſaid C.D. then thinking to deale more ſubſtantially with him then before, demanded a recogniſance for the ſaid ſumme of C.li. ſo then to be lent, without which he was vtterly vnwilling to truſt him any further: Whereunto the ſaid A.B. aſſented, and became bound accordingly in a recogniſance of two hundred markes, with condition for the true payment of C.li. (which is the recogniſance in the ſaid Bill of Complaint mentioned.) For diſcharge of which recogniſance the ſaid A.B. toke no greater regard then before he had done for payment of the ſaid ſingle obligation. And therefore the ſaid C.D. at the laſt, three yeares at the leaſt being then paſt after the forfeiture of the ſaid recogniſance, perceiuing the careleſneſſe of the ſaid A.B. aſked aduice of ſome of his friends, what courſe he were beſt to take for the obtaining of the ſaid ſeuerall ſummes of money: By whom he was aduiſed to put the ſaid recogniſance (rather then the obligation aforeſaid) in ſuit, as well for ſpeedie end of ſuit in the ſame, as alſo that thereby it was thought, the ſaid A.B. would the rather ſeeke meanes to make ſatiſfaction as well of the one debt as of the other: But he meaning nothing leſſe, nor regarding the ſaid ſuit, ſuffered the ſame to proceed till ſome parcell of his land was extended, and ſo the ſaid C.D was faine after three yeares forbearance of the ſaid ſumme of C.li. as aforeſaid, and after he had ſpent more then xx. li. in ſuits and rewards in obtaining the ſaid extent, to accept onely twentie markes by the yeare, till the ſaid two hundred markes (being the principall) and penaltie were payed vnto him: ſo that the forbearance of the ſaid ſumme accounted together with the charges in ſuit, great loſſe of time in following the ſame, and rewards giuen to Sheriffes and Bailyffes, before any the ſaid lands might be extended: The ſaid C.D. ſuſtained ſo great loſſe, as by the ſaid circumſtances of that which before hath beene ſhewed, doth euidently appeare, that he was vtterly diſcouraged to attempt any more ſuits againſt the ſaid A.B. but reſted ſtill in hope that at one time or other he ſhould obtaine meanes in quiet ſort without ſuit in Law to get ſatiſfaction alſo of the ſaid ſumme of &c. which hath beene the reaſon onely why the ſaid C.D. did not put the ſaid obligation in ſuit ſo long time, without that, that to the knowledge of this defendant, there was euer any defeaſance made vpon the ſaid ob-

ligation, or that any such defeasance by casuall means is come into the handes of this defendant, as in the said Bill is untruly alleaged. And without that, that the said A.B. by himselfe or his officers, as by the premisses manifestly appeareth, did make payment of the said debt, or any part thereof: which the said defendant is the rather throughly perswaded of, as well because she was well acquainted with the dealings of her said husband, as also because at the time of the death of her said husband, he lying in extremitie, called this defendant unto him, and said that he had carefully gathered together sundrie bonds and obligations, which at sundrie times had beene made unto him for diuers summes of money, and yet in truth they were payd and discharged, and those bonds and obligations he had put in a box by themselues, and named them Bils, which obligations he willed this defendant to cancell or deliuer to such persons as were the obligors, and in any wise not to demand any debt upon any of them. And further he also openly said, that all the residue of the bondes and obligations remaining in other boxes, which he then also named, were due and owing unto him. In the which of the said boxes the said obligation of C.C. li. was found, neither is it to be thought that any officer of the said A.B. would deale so lightly, as to pay the money due upon the said obligation, being but single and without penaltie, without either acquittance or the bond it selfe, cleelinered or cancelled. Or that the said A.B. himselfe would haue allowed of any such payment upon any his officers accounts. And without that, that the said A.B. did at any time allow any manner of consideration for the forbearance of any summe of money due by him to the said C.D. (as also is untruely alleadged.) And without that, that the said C.D. did put the same recognisance in suit, presently after the forfeiture thereof: for the same was forborne three yeares after, as is before declared. And without that, that it is likely that the said C.D. did acknowledge himselfe satisfied of all those seuerall sums of xx. markes, which should make vp the CC. markes upon the extent aforesaid, when as he had recouered the whole debts due to him by the said A.B. but onely without that, that the said A.B. to the knowledge of this defendant, did signifie by his letters his displeasure towardes the said C.D. as also is untruely set downe. And without that, that any other thing materiall in the Law &c. As in the other.

To cause one to shew his lease, whereby he holdeth, &c.

Sect. 133

MOst humbly complayning &c. A.B. of &c. Gentleman: That whereas about foure yeares last past, one C.D. of L. upon a certaine

tained iudgement in a plea of debt amounting to the ſumme of &c. or thereabouts, by him obtained in her Maieſties court of cõmon pleas, againſt one L. F. of &c. in the County of &c. ſued forth her Maieſties writ of Fieri facias, directed to the Sherife of the ſaid County, for the leuying of the ſaid debt of the goods and chattells of the ſaid E. F. By vertue of which writ, the Sherife did amongſt other things take into his hands one leaſe for diuers yeres yet induring made to the ſaid E. F. by one T. S. in the County of S. eſquire of 3. parcels of land, called and known by the name or names of &c. with all and ſinguler their appurtenances, lying and being in the pariſhes of &c. in the ſaid countie of &c. together with all and ſinguler woods, underwoods and trees, yet lying, beeing, and growing, in or vpon the premiſſes, or any part thereof, together alſo with the reuerſion and reuerſions of the premiſſes aforeſaid, and euery parcell thereof. And alſo all manner of cõmon, as well of eſtouers and paſtures, as all other commons, paſtures, profites, and hereditaments whatſoeuer, to the ſaid premiſſes belonging or in any wiſe appertaining. And afterwards the ſaid Sherife (that is to ſay, vpon the third day of May etc.) by his deed bearing date vnder his hand and ſeale, did in conſideration of etc. to him paid towards the ſatisfaction of the debt and iudgement aforeſaid, bargaine, ſell, aſſigne, and ſet ouer the ſaid leaſe and terme of yeares yet to come, of all and ſinguler the premiſſes vnto one G. H. of L. Gent. which G. H. not long after did in conſideration of etc. by your orator to him paid, bargaine, ſell, aſſigne, & ſet ouer vnto your ſaid orator all and ſinguler the premiſſes, and euery part thereof: vpon which bargain & aſſignement of the premiſſes ſo made, as aforeſaie, your ſaid Orator was in verie good hope to haue peaceably & quietly entred into the premiſſes, and ſo to haue occupied and inioyed the ſame accordingly. Neuerthelеſſe ſo it is right ho. that one R. T. of etc. in the ſaid county of L. pretending to haue a leaſe for diuers yeres yet to come, of ſome part of the ſaid lands called etc. made vnto him by the aforeſaid E. F. long time before any aſſignements aforeſaid, hath and yet doth keep your ſaid orator from the poſſeſſion of the ſaid lands, vpon which leaſe or demiſe, a certaine yeerely rent is (as he ſaith) reſerued to the ſaid E. F. his executors or aſſignes, which as your orator verily thinketh, is etc. by the yeere, and which rent, what ſoeuer it be, your orator by reaſon of the lawfull conueiance to him made, as aforeſaid, ought both in law and conſcience to haue and enioy during ſuch terme as the ſaid R. T. ſhall hold and occupie the land aforeſaid, by reaſon of the ſaid leaſe which he ſo pretendeth to haue: but becauſe your orator doth not certainely know whether the ſaid R. T. haue any ſuch leaſe, neither if hee haue, what date it beareth, what terme the ſaid R. hath therein vnexpired, what rent

thereby is reserued, nor what couenants are therein contained, as also your Orator cannot, nor knoweth not how in due forme of lawe to enter or commence any action against the said R. T. either for the recouerie of the said land or rent aforesaid, which the said R. T. right well knowing, being a man of little or no conscience, but destitute of the feare of God, thinking all things well gotte which he may get and hold without the punishment of the Lawe, doth not onely vse the said land to his great profit and commoditie, without yeelding or paying therefore any rent to your Orator, or any other person lawfully clayming the same, but also doth vtterly refuse to shew his said Lease, whereby he claimeth to hold the lands aforesaid, vnto your said Orator to the great losse and hinderance of your L. said Orator. In tender consideration whereof, and forasmuch as your Orator hath no ordinarie way by the course of the common lawes of this Realme to enforce the said R. T. to shew forth such writings as he hath for the holding and enioying of the lands aforesaid, but is and shall be vtterly destitute of all maner of help or meanes to obtaine the same to his great hinderãce and impouerishment, except your honourable L. of your accustomed clemencie towards all such as are oppressed, doe extend your fauour in that behalfe, so that by the order of this honorable court the said R. T. be inforced vpon his oath to shew what right he hath to the premisses, or any part thereof, and likewise to set downe in his answer the true copy of the said lease (*verbatim*) or other writings whatsoeuer they be, whereby he claimeth the premisses, or any part of the same. May it therefore &c.

The Answere.

Sect. 134. THe said Defendant not knowledging or confessing the matters suggested in the said Bill of complaint to be true, for his answere touching the same, saith, That the said E. F. named in the said bill of complaint, was possessed for diuers yeares yet to come, and induring, of the said three parcells of land, called or knowne by the name of etc. mentioned in the said bill of compl. by vertue of a lease therof made by the said T. S. also named in the said bil of complaint, vnto the said E. F. long before the supposed extent specified in the said Bill of compl. And the said E. F. so being thereof possessed long before the said supposed extent (if any such were) had in such manner, as in the said Bill of complaint is supposed, made a lawfull demise and lease of part of the said 3. parcels of land, containing 14. acres, or thereabouts, vnto the said def. for diuerse yeres yet to come, and remaining vnexpired, vpon which lease the said E. F. reserued a yerely rent to be paid during the continuance of the said lease: By force of which lease the said defend.

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entred into the said 14 acres of land, part of the said 3. parcels called &c. and was and yet is lawfully possessed accordingly, and euer since, and yet doth enioy the said 14. acres by vertue of the said demise and lease made by the said E. F. to the def. and is to haue and enioy the same during the continuance of the yeres, of which there are diuers yeares yet to come, and remaining vnexpired. And the said def. saith, that the said complainant is a man to this def. vtterly vnknown. And therefore the said def. marueileth much of the said suit exhibited by the said compl. into this hon. Court against the said def. touching the said premisses. And further saith, that the said E. F. after the said demise and lease by him made vnto the said def. of the said 14. acres of land, and before the said supposed extent, if any such be, made a grant and assignement of the interest & terme of the said E. F. aswell of the said 14. acres, which the said def. hath and occupieth by vertue of his said lease for diuers yeres yet thereof to come, and continuing vndetermined, as also of the residue of the said 3. parcels of land mentioned in the said Bill of complaint, vnto R. F. the sonne of the said E. F. vnto which grant and assignment the said def. was priuie. And therefore the said def. thinketh that he is for the paiment of his rent chargeable, and ought by the law to pay the same rent reserued vnto the said R. F. & not to the said complainant, which said R. doth verily think, that he is lawfull Landlord during the continuance of his yeres yet to come and indureing, and not the said complainant, who is altogether a meere stranger vnto this def. And which complainant neuer at any time heretofore demanded any rent for the said part of the lands that this def. hath and occupieth by the lease for yeares, yet continuing, of the said def. And the said def. also saith, that he is sued for the rent reserued vpon his lease by the said G. H. named in the said Bill of Complaint in the K. Bench, in an action of debt brought by him against the said defendant: and therefore the said def. much marueileth of this suit of the said compl. brought in this hon. Court against the said def. touching the said premisses: By which suit of the said complainant, the said def. is wrongfully sued and vexed without any iust cause of suit, without that, that there is any such extent made of the said 3. parcels of land called &c. or that after the same extent, there was any such bargain and sale made by the said Sherife named in the said Bill of Complaint, of the said terme and lease of yeres of the said premisses vnto the said G. H. Or that the said G. H. bargained or sold the said premisses vnto the said complainant, or that the said complainant ought to haue and enioy the said premisses to the knowledge of this defendant. And without that, that there is any other matter or thing &c. All which matters &c.

A Bill for a title of intailed.

Def. 153. IN moſt humble wiſe ſheweth and complaineth vnto your good Lord-ſhip, your daily Orator R.R. Huſbandman: That where one W. late of S. in the Countie of W. Huſbandman, grandfather of your ſaid Orator, was lawfully ſeiſed in his demeſn, as of fee, by due courſe of inheritance vnto him lawfully diſcended from his anceſtors, and other lawfull conueyances in the Law, of, and in one meſſuage &c. C C. acres of land, meadow, wood, and paſture, with their appurtenances in S. aforeſaid. And the ſaid W. R. ſo being of the premiſſes ſeiſed, about tenne yeres now paſt, it was condeſcended, granted, and agreed betweene the ſaid W.R. and one J.E. late of H. in the ſaid Countie deceaſed, that A.B. then ſonne and heire apparant of the ſaid W.R. before a certaine day ſhould martie and take to his wife one A. E. daughter of the ſaid J. E. and that the ſaid W.R. in conſideration thereof, and for that the ſaid A. ſhould be greatly aduanced and preferred in goods and ſubſtance, by the mariage of the ſaid A. would immediately after the ſaid mariage had and ſolemnized, conuey and make vnto the ſaid A. and A. a good, ſufficient, and lawfull eſtate in the Law of, and in the ſaid meſſuage, lands, tenements, and other the premiſſes. To haue and to hold vnto the ſaid A. and A. and to their heires males of their bodies lawfully begotten. And afterward the ſaid A. according to the ſaid agreement, did martie and take to his wife the ſaid A.E. immediatly after which mariage had and ſolemnized, the ſaid W.R. according to his ſaid promiſe and agreement, did lawfully enfeoff of and in the ſaid meſſuage, lands, tenements, and other the premiſſes, the ſaid A.R. and A. then his wife. To haue and to hold vnto the ſame A. and A. and to their heires males of their bodies lawfully begotten, by force whereof the ſaid A. and A. were ſeiſed of and in the premiſſes, in their demeanes, as of fee taille ſpeciall, and they ſo being thereof ſeiſed the ſaid A. and A. had iſſue male betweene them lawfully begotten, one J.R. and your ſaid Orator, and one W.R. and the ſaid W.R. the elder died, by and after whoſe death the reuerſion in fee ſimple of the premiſſes diſcended vnto the ſaid A. as ſonne and heire vnto him. And afterward the ſaid A. and A. by, and after whoſe death the ſaid meſſuage, lands, tenements, and other the premiſſes diſcended and came, and of right ought to diſcend and come vnto the ſaid J.R. as ſonne and heire male of the bodie of the ſaid A. and A. lawfully begotten, by force whereof the ſaid J.R. entred into the ſaid meſſuage, lands, tenements and other the premiſſes, and was thereof ſeiſed in his demeſne as of fee taile. And he ſo being thereof ſeiſed, the ſaid J.R. about foure yeares

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now past, of the said messuage and other the premisses dyed seised, without issue male of his bodie lawfully begotten, by force whereof the said messuage and other the premisses descended and came, and of right ought to descend and come vnto your said Orator, as brother and heire male to the said I.R. by the vertue of the gise aforesaid. So it is my singular good Lord, that aswell the deed of intaile made, of, and for the premisses by the said W.R. the grandfather vnto the said A.R and A. and to the heires males of their bodies lawfully begotten, as aforesaid, as diuers other charters, euidences, and deeds, writings and muniments concerning the premisses, prouing the said interest and title of your said Orator, in and to the said premisses: beene deceitfully comen to the hands and possession of I.W. and E. his wife, late wife of the said I.R. G.W. gentleman, and T.S. the elder, and remaine there as they haue conueyed and put them: and by colour of hauing the said euidences, deeds, writings, and muniments in their hands and possession, the same I.W. and E. haue now of late wrongfully entred into the said messuage and other the premisses. And the possession thereof doe so yet wrongfully detaine and keepe from your said Orator, and also the rents, issues, and profits thereof haue wrongfully receiued, perceiued, and taken to their owne vse by the space of foure yeares past, and so yet doe, contrarie to all right and good conscience. And albeit that your said Orator hath often and sundrie times required and instantly desired the said I.W. and E.G.W. and T.S. as well to deliuer vnto your said Orator the said euidences, deeds, writing and muniments concerning the premises, as also to auoid the possession of the premisses, and peaceably and quietly to permit and suffer your said Orator and his assignes, to haue and enioy the same, and to receiue and take the rents and profits thereof to his owne vse, according to his said interest and title therin, which to do, they at all times haue refused and denied, and yet do, contrary to all right and good conscience. And forasmuch as your said Orator knoweth not the certaine number, contents, ne other certainties of the said euidences, deedes, writings, and munements, nor wherein they be contained. And also for that the said I.W. E.G.W. and T.S. be of so great substance and riches, and also greatly freinded, and borne in the said Countie of W. And your said Orator being but a poore man, and hauing but few freinds in the said Countie, the same your said Orator is, and shall be therefore without remedy concerning the premisses by due course and order of the Common law, and otherwise, vnlesse your good Lordships aide and fauor be vnto him shewed in this behalfe. In consideration whereof, it may please your good Lordship (the premisses tenderly considered) to graunt vnto your said Orator the Queenes most gratious

seuerall Writs of Subpœna to be directed vnto the said I. Werewicke E. G. S. and T. H. commanding them and euerie of them by the same personally to appeere in the most ho. Court of Chancerie, at a certaine day, and vpon a certaine paine by your good L. to be limited therein, then and their to make answer to the premisses: and further to be ordered therein, as shall accord with right and good conscience. And your said Orator shall daily pray &c.

The Answer of I. W. to the Bill of Complaint of R. K. Husbandman.

Sect. 136

THe said defendant saith, that the said Bill of Complaint is vncertaine and insufficient in the Law to be answered vnto, and the matter therein contained vntrue, and principally imagined, and pursued by the vnlawfull procurement, bearing and supportation of one W. C. Esquire, to the intent to put the said defendant to trouble, costs, and expences, intending thereby so to vnquiet and impouerish the said defendant, as he should be faine to leaue the right, title, and interest, of and in the premisses, so that the said W. might purchase and buy the same of the said complainant: And of late the said W. C. hath made meanes vnto the said I. W. now defendant, to buy his title and interest, of, and in the premisses, and threatned him to haue the same, and if he would not let him haue it with his good will, that then he would haue it against his will, whosoeuer toke his part: and if the contents of the said Bill were true (as they are not) yet were the matter determinable at the common Law, and not in this hon. Court, whereunto the said def. prayeth to be dismissed: and yet neuertheless, the aduantage of the premisses vnto this def. at all times saued. For further answer vnto the said Bill for declaration of the truth of the contents of the said Bill, the said def. saith, and euerie of them saith, that long time before the said A. R. mentioned in the said Bill of Complaint, any thing had in the said messuage and other the premisses, or that the said W. R. was thereof enfeoffed, T. R. of P. T. S. of S. & W. of C. was thereof seised in their demesnes as of fee, and so being thereof seised by their writing indented, readie to be shewed the said messuage & other the premisses contained in the said Bill of Complaint, amongst other things gaue, deuised, deliuered, and by their said writing indented, confirmed, vnto the said W. R. mentioned in the said Bill of Complaint, and vnto A. his wife, To haue and to hold the said messuages, and other the premisses, vnto the said W. and A. for terme of their liues, and to the wife of the longer liuer of them. And the said T. and T. willed and declared in the said writing indented, that the said messuage and all other the premisses should remaine vnto the said A. mentioned in the said Bill of Complaint, and vnto A. his wife, and vnto the heires and assignes of the said A. for euer: Without

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out that, that the ſaid W. R. did infeoffe, of, and in the ſaid meſſuage, lands, tenements, and other the ſaid premiſſes, the ſaid A. and A. to haue to them and to their heirs males of their two bodies lawfully begotte, or that the ſaid A. and Agnes were ſeiſed of, & in the premiſſes in their demeſnes as of fée taile, as in the ſaid Bill of compl. is ſurmiſed, and without that, that after the death of the ſaid W. the remainder of the premiſſes in fée ſimple diſcended vnto the ſaid A. as ſonne and heire vnto him, or that after the death of the ſaid A. and A. the ſaid meſſuage and other the premiſſes deſcended, and of right ought to deſcend or come vnto the ſaid I. R. in the taile ſpecial as ſonne and heire male of the body of the ſaid A. and Agnes lawfully begotten, either any other diſcent of inheritance therein of a mére fée ſimple, or that the ſaid I. by his entry into the ſaid meſſuage and other the premiſſes, after the death of his father and mother, was then ſeiſed of, and in his demeſne as of fée taile ſpeciall, or of any ſuch eſtate died ſeiſed, or that after the death of the ſaid I. that the ſaid meſſuage & other the premiſſes, or any part or parcell therof deſcended and came, or of right ought to diſcend and come to the ſaid cõpl. as brother and heire male to the ſaid I. R. by vertue of any gift or otherwiſe, as in the bill of compl. is vntruly ſurmiſed: But the ſaid def. do auer, and are, and ſhall be at all times ready to prooue, as this honor. court ſhal award, that the ſaid meſſuages and all other the premiſſes, by and immediatly after the death of the ſaid I. R. deſcended, and of right ought to deſcend and come to one A. daughter and heire of the ſaid I. lawfully begotten on the body of the ſaid E. one of theſe defend. the which A. is yet in plaine life, and in the ward and cuſtody of her ſaid mother: and without that, that any deed of taile was made, of, and by the ſaid W. R. the grandfather, or any other euidence, deeds, writings, or muniments, concerning the premiſſes, prouing the ſaid intereſt and title of the ſaid compl. of the premiſſes, and euery part and parcell thereof, to be come to the handes and poſſeſſions of the ſaid I. W. and E. or wife, or either of them, or to the cuſtody or poſſeſſion of any other by their deliuery, conueyance or appointment: but truth it is, that the ſaid defendants haue in their cuſtodie, one writing indented ready to be ſhewed, whereby the remainder of the premiſſes is conueied vnto the ſaid A. and Agnes his wife, and to the heires and aſſignes of the ſaid A. for euer, as is aforeſaid, and diuers other euidences and writings, prooving and concerning the conueiance of the fée ſimple of the ſaid meſſuage, and other the premiſſes vnto the ſaid A. and other his auncéſtors, the which charters, euidences, and writings, the ſaid Defendants do ſtill with them detaine and kéepe, as good and lawfull is for thẽ to do, aſwel for the proſe and preſeruation of their right, title, and intereſt, vnto the 3. part of

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the premisses for the dowry of the said E. as for the preseruation of the right, title, and interest of the said A. daughter and heire to the said I. of, and in the said messuage, and other the premisses: without that the said defen. haue at any time wrongfully entred into the said messuage, and other the premisses, or into any part thereof, or the profits thereof do wrongfully detaine, and kepe from the said compl. or the rents, issues, and profits thereof, haue wrongfully distrained, perceiued, and taken to their owne vse, as in the same bill is also vntruly surmised.

A Supplication in the Chancerie vpon deceit by a Partner.

Sect. 137

IN most humble wise complaining sheweth etc. That whereas vpon the imagination of honestie and good opinion that R. C. father vnto your said orator deceased, had in one T. T. etc. the said R. about Easter last past, did ioyne in bargaine with the said T. T. for the deliuery of so much wares, whereof the moitie was the said R. as amounted to the summe of etc. vnto one I. S. of the Q. Maiesties houshold esquire, for the which summe of etc. the said S. stood bound by statute of the Staple, vnto the said R. C. and T. T. payable at the feast of etc. then nert etc. which was in the yeare of our Soueraigne etc. And to the intent that the same R. beeing a man of such honestie and simplicitie, as did neither suspect, nor yet doubt the good conscience of the said T. who alwaies toward him had counterfeited such puritie of conscience, and so honest behauior, might the better by the help of the same T. come by his debt, at the time to be due, if he so long liued, or else if he died, that the said T. might be as a stay and sure meanes to his executors, for the getting of the same, hee the same R. trusted to the said T. with the custody of the said Statute: Some after the making of the which bargaine, and somewhat before the said feast of etc. the said R. deceased, and made your Orator his Executor, thereby charging him as well with ỹ gathering in of all such sums of money as were due to the said testator, as also with the payment of all such debts, as the said R. did owe. And so it is, most gracious Lord, that although your said Orator hath diuerse and sundry times since the decease of his said Father, required the said T. to haue the moitie of the said etc. due to him by equitie and good conscience, as executor vnto his said testator, etc. The said T. (now declaring himselfe what hee is) hauing regard neither to conscience, common honestie, nor yet to the trust he was put in, minding if he can (with what iniurie hee careth not) vtterly to barre your said Orator from the hauing thereof, and he himselfe against all reason and conscience to haue the said etc. for nothing: hath not onely with many sleights and subtill delaies, lingred and delaied your said Orator long time from hauing the same: but also now lately hath

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plainely answered and affirmed, that your said Orator shall haue no part nor penie therof, which if it should thus passe, should be both great incouraging to such corrupt conscioned persons, still to persever in such their lewd demeanor, and in the meane time, turne to the great impouerishing of your said poore Orator: Wherefore may it please your H. of your accustomed equitie, to iniopne the said T. that he repay vnto your said Orator the said &c. moitie of the said &c. if he haue receiued it of the said S. or if he haue not, that he be no let to your said Orator, to doe therein what he can, for the obtaining and getting in the same. And thus shall your said Orator haue cause continually to pray for the prosperous estate of your good Lordship long to indure.

A Bill of Complaint for the recouering of Euidences made by compulsion by a man in prison without consideration.

TO most humble wise complaining, sheweth vnto your good Lordship your daily Oratrix I. B. That whereas in the yeare &c. it chanced the husband of your said Oratrix, together with one &c. iointly and severally to be bounden in a recognisance of the summe of &c. knowledged before your good Lordship in the K. Pacelles Court of Chancerie, for the payment of &c. payable at a certaine day now past, vnto one &c. for which summe not being payd at the day one, the said &c. hath sued execution against your said poore Oratrices husband, whereupon he was by the Sherife of &c. arrested about &c. past, and by all the said space hath remained in the Queenes Paielles prison of Marshalsey, to his great paine of bodie, importable charges, and in maner vndoing, both of him, your poore Oratrix, and their small children, which piteous estate of his, (with himselfe lamenting) after he had well considered, he then consulted with himselfe, for his best remedie in that behalfe, and therewithall calling to his minde, that he had &c. a kinsman and cousin called &c. being of &c. vnto whom your said Oratrices husband, for the vicinitie of blod, and abilitie of substance, was bolder to make his mone for helpe of this his aduersitie, then vnto any other. But (farrecontrarie to his expectation, and against all humanitie) whence your said Oratrices poore husband loked for most succour, thence he receiued not onely least helpe, but also most hurt. For the said &c. well perceiuing the aduerse estate that your Oratrices poore husband was, and is in, which was the greedinesse of the Merchant for his mony, the earnest thought and care of your poore Oratrix, and her poore children, and the great desire that her said poore husband had (as any man wold) of libertie, and discharge of trouble, would by no meanes promise his helpe vnto her said poore husband herein, vnlesse he would be content to bargaine and sell all his landes, Sect. 138

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amounting to the yerely rent of &c. vnto him the said &c. for an annuitie of xx li. sterling to him, during his life, and for the sum &c. whereof &c. to be payd in hand, whereunto your said powre Oratrices husband, through the constraint of his said case, was compelled to agree, and to seale such writings as the said &c. not long after he brought to him indentures concerning the bargaine, nothing doubting of &c. being his cousin, but that they would haue sealed to none other, but only such as conscience would stand with, at which time the same &c. neither payed nor proffered any penie of the said &c. according to his couenant, with delay of payment, both against his promises and couenant: After her said powre husband had studied vpon, and therewithal read ouer the couenants comprised in the said indentures of this bargaine, which indeed (most honorable Lord) were so partially deuised for the behoofe of the said &c. and againe, so sore against your said powre Oratrices husband, as (if the bargaine had taken effect) had bene to the vtter vndoing of him and her, with all their heires for euer, your said powre Oratrices husband, taking hold on the point that the said &c. payd not the foresaid &c. did at their next meeting, renounce and say, that he would not stand to the said conenants and bargaine, whereunto the said &c. partly acknowledging in that he had not paied nor proffered this &c. said before sufficient witnesses here ready to be sworne, he was contented, howbeit he said, that your said powre Oratrices husband, should pay for the making of the writings: For the paiment whereof her said husband, as they hauing no great store of mony, was faine to giue him a gold Ring in pledge, to pay the Scribe for writing of the same: All this notwithstanding (most honorable Lord) and that your said powre Oratrices husband, hath often and sundrie times by many wayes and meanes required the same writings, concerning the said bargaine of the said &c. he against all naturall loue and humanity, nothing more coueting, then the extreame destruction of her, and her said powre husband, and well perceiuing how far he is now vnable to helpe himselfe, hath vnterly denied to render the same, and yet doth, contrary to all conscience, law, or right. In consideration whereof, may it like your honorable Lordship, of your accustomed pitie, to call the said &c. before you, together with the husband of your said powre Oratrix, and there to will him to deliuer the said writing againe to her husband, if it shall so seeme good vnto your Honor, or else to shew sufficient matter why he should keepe the same. And your said Oratrix with her powre husband, and their powre children shall pray &c.

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A Bill of a title of Copihold lands praying an Iniunction.

HUmbly complaining &c. your daily Orator W.S. otherwise named W.L. of L. cousin and heire of I.S. otherwise called I.L. while he lived &c. That whereas your said Orator at your Lordships last beeing at &c. did exhibite vnto you a certane Bill of compl. mentioning therin, that the foresaid I.S. otherwise called I.L. in his life time was seised, of, and in certaine customary lands and tenements, that is to say, of, and in &c. holden by copy of Court-roll of the manor of &c. at the will of the Lord of the said manor, according to the custom of the same manor, of which one L. then was, and yet is Lord, And that the same I.S. so being seised of the premisses, afterwards of like estate died thereof by protestation seised, after whose death the said &c. with thappurtenances, and the right, title, vse, possession, and inheretance thereof discended and came, and of very right ought to discend and come vnto your said orator as cousin and next heire of the said I.S. that is to say, as yongest sonne of I. yongest sonne and heire of the same I.S. according to the ancient custome of the said manor. And that your said Orator had often and sundry times desired and prayed the said &c. that with lawfull warning vnto the tenants of the said L. a Court might be holden at the said manor, by whose inquirie, the title of your said orator might be presented and found in the premisses, according as both iustice, right, and good conscience do require. Howbeit most honorable Lord, that notwithstanding, forasmuch as the same &c. hath kept the premisses in his owne handes these many yeres past, and the profits and issues thereof comming, hath by the same space to his owne proper vse receiued and taken, and yet doth, your said poore Orator could neuer get the same. &c. to holde a Court there, minding thereby vtter disinheriting vnto your said poore Orator, of, and in the premisses: Vntill such time as your said most honorable Lordship, moued with your accustomed loue to iustice, and pitie towards powertie, vouchsafed to graunt your benigne letters directed to the said &c. willing him thereby with lawfull warning giuen vnto the tenants of the said lordship, to summon and keep a court of the said manor, for the triall of the right of your said orator to the premisses, vpon the receipt of which letters, the said &c. summoned and kept a Court at his said Manor of &c. Whereat vpon the open and plaine declaration of your said Orators title, together with the examination of diuers witnesses, brought in by your said orator, for ye due proofe of the said title in the premisses: And further, vpon the shewing of such substantiall and ancient euidences maintaining the same, the Homage therewith charged & sworne did present and find at the said &c. (before I.S. Sect. 139

I.S. Steward of the same Court) that the foresaid I.S. was possessor, and held the premisses by Copy of Court Roll, according to the custome of the said manor: And that also your said Orator was cousin and heire to the said I.S. according to the custome of the manor: that is to say, sonne of I. yonger sonne of &c. as by the Copy of the same Court rolls ready to be shewed more plainely may appeare vnto your good L. After which presentment at the same Court, it was agreed betwixt the said Steward, in the name of the said &c. and your said Orator, that if the said &c. would not declare and shew vnto your said orator, or to his learned Counsell at London, within one Terme then next ensuing, a better title and interest to the foresaid premisses, then your said Orator had then and there already proued, that then your said Orator should haue and enioy the premisses to him, and to his heires, according to right, equity, and good conscience, and according to the custom of the said manor. But so it is (most H. Lord) that although the said &c. as he cannot, so hath hee not by the said space prooued any maner of title, or colour of title to ỳ premisses, but only with such and like fraudulent delaies, he intendeth to weary your said Orator from the obtaining of the premisses, and if he can disinherite him from the same: Wherefore, may it &c. of your accustomable goodnes alwaies to vouchsafe extended, to grant vnto your said Orator the Queenes most gratious writ of Subpœna, to be directed to the said &c. commanding him by the same, not onely to appeare personally before your good L. in the high Court of Chauncery, at a certaine day, and vnder a certaine paine by your good L. therein to be limitted: but also to permit & suffer your said orator peaceably to haue, hold, occupy, possesse, and inioy the premisses aforesaid, and the profits & issues of the same, vntil such time as the same &c. hath duely approued better title to the premisses, then he hath heretofore done. And your said poore orator shall &c.

A Bill of Complaint for debt without speciality.

Sect. 140.

IN most humble wise sheweth and complaineth vnto your good Lo. your daily Orator and poore bedeman I.G. of H. in the Countie of D. That where the said I.G. by way of gift, at the feast of Pentecost, in the 34. yeare of the reigne of our Soueraigne Lady the Q. Maiestie that now is, did deliuer vnto one W.L. late of H. in the said Countie of D. the summe of xxiij. poundes of lawfull money of England, to be paied vnto him at the feast of Saint A. then next insuing, before which day the said W.L. by his last will and testament, constituted and made one E. then his wife, his executrix, and died, and left vnto the said E. then his executrix, of his own proper goods, (all his

his debts payed) the summe of 18.li. of whom your said Orator sundry and many times hath required paiment of the said 18.li. which to content and pay, the said E. did neuer vtterly denie, but did require respit for the paiment of the same, and before the said E. did content and pay any peny of the said 18.li. the said E. on her death-bed, by her last will and testament did constitute and make one J.S. her sonne her executor, and died, and left to him sufficient of the goods of the said W.L. for the contentation and payment of the same xviij.li. and after died, whence whose death the said complainant daily, sundry, & many times required the said J.S. to content and pay vnto him the said summe of 18.li. which to doe, he hath at all times refused, and yet doth, contrarie to right and good conscience, to the vtter vndoing of your poore Orator for euer. And for because your Orator hath no specialtie, whereby he should charge the executor or the executrix of the said W.L. he is therefore without remedie by the order of the common Law of this realme, and is like vtterly to lose the said xviij.li. vnlesse your gratious fauour be to him shewed in this behalfe: In tender consideration whereof, it may therefore please your good L. (the premisses considered) to grant the Q. Maiesties writ of Subpœna, to be directed to the said J.S. commanding him by the same personally to appeare before your good Lo: in the Quenes most gracious Court of Chancerie &c.

The answer of the same Bill for eighteene pounds lent without specialtie.

THe said J.S. by protestation not knowing that the said complaynant did deliuer the said W.L. in the said bill named, the summe of eightéene pounds, or any part thereof, by way of prest, as in the said bill is surmised: He further saith, That the said bill of complaint is vncertaine and insufficient in the law to be answered vnto, and manie of the matter therein conteyned is fained and imagined, for vexation and trouble of the said J. S. notwithstanding the aduantage thereof to him at all times saued: The said J.S. for further answere vnto the said Bill, saith, That long time before the said E. was constituted and made executrix vnto the said W.L. the said E. was married vnto one R.S. father of this defendant, by the space of twentie yeares, and more, which said R.S. by his last will and testament constituted, ordained, and made the said E. and the said J.S. his executors, and died, and left to the order and disposition of the said executors goods and cattels of his owne, to the value of two hundred pounds sterling and above. All which goods and cattels for the most part of the same, being and remaining in the handes and custodie of the said E. the the same Sect. 141

same E. married and toke to husband the said W. L. which said W. after the marriage had betweene him and the said E. did mispend, waste, and consume of the said goods and chattels late of the same W. S. to the value and summe of one hundred and fortie pounds sterling and above. And after the said W. L. by his last Will and Testament ordained and made the said E. executrix thereof, and died a very poore man, having no power of goods nor chattels at the time of his death of his owne, to the value of twentie shillings sterling. And afterward the said E. by her last will ordained this Defendant executor thereof, and died, sithence whose death there hath not come to the hands of this Defendant of the goods late of the said W. L. to the value of twentie shillings sterling, without that, that the said W. L. at his death left vnto the said E. of his owne proper goods, to the summe of one hundred pound ouer his debts payed, or yet the summe of twenty shillings sterling, or that the said E. after the death of the said W. L. did euer consent or agree to pay the said eightene pounds vnto the said Complainant, or did require him to respite the payment thereof, or that the said E. at the time of her death left vnto the said Defendant sufficient of the goods of the said W. L. for the contentation and payment of the said eightene pounds, as in the said bill of complaint vntruely is surmised. And without that, that any other thing comprised in the said fained bill of the aforesaid J. which is materiall to be answered vnto, and in this answere not confessed, auoided, or trauersed, is true. All which matters &c.

A Bill of Complaint vpon certaine griefes, requiring a writ of Certiorari.

Sect. 142

IN most lamentable wise sheweth vnto your good Lordshippe, your daily poore orator J. M. of London, That where one A. H. of London aforesaid Merchant Tailor borrowed of your said Orator twelue pounds sterling, to be payed to the said &c. at a certaine day betweene them agreed, which day was expired, and the said summe of money not payed, wherefore the said A. for that he had not ready money, desired your suppliant to take a certaine white broad cloth in pawne, containing fortie yards, cut in peces, for the said twelue pounds, which cloth was sold and deliuered to your said Orator by a Bill of sale, wherein the said A. H. standeth bound, with condition in the same Bill declared, That if the said cloth were not redeemed by a day certaine, in the said Bill limited, that then the same cloth to be to the only vse of your said orator, for contentation and whole payment of the said fortie pounds.

Since

Since the which time the said A. counselled your said Orator to put forth the said cloth to one L. M. of London Shereman, to bee died of seuerall colours for his most profit, by the meanes wherof the said M was contented to take the said broad cloath for the paiment of the said money, and afterward the said cloath was deliuered to the said L. M and within fiue dayes after the deliuery of the said cloth to the said L. one R. M, Spaniard affirmed a plaint of debt against the said A. and according to the custome of the citie of London, hath caused Attachment to be made of the said broad cloth, as debt due by the said A. vnto the said R. wheras the said cloth is your said Orators: Notwithstanding by reason of the said attachment, your said Orator retained counsell in the Guildhall of London, where the matter was at an issue, whereupon the Jury was impanelled, since the which time for the space of three court dayes, your said Orator did giue attendance there to haue the said matter heard, and the said plaintife's Counsell would not suffer the said Jury to appeare, so long as your said suppliant did apply and pursue his cause, with effect heerein. And for that the said R. and his Counsaile would not proceed in his said action, your saide Orator supposed, that it should no more bee called vpon, by occasion whereof, your Orator being about his businesse in the Countrey, in the meane time, the said R. M. with his Counsel (hauing knowledge that your said Orator was out of the citie, and in the countrey) instantly laboured the Jury to appeare in the absence of your said Orator, and by their subtiltie and craft the said Jury did appeare, and passed against your said Orator, contrary to all right, law, and good conscience, which shall be to the great impouerishment and vndoing of your said Orator for euer, vnlesse your good Lordships lawfull fauour and succour be to him shewed in this behalfe. In consideration whereof, might it therefore please your good Lordship to grant the Queenes writ of Certiorari, to be directed to the Maior and Sheriffes of London, commaunding them and euery of them, by vertue of the same, to certifie before your good Lordship in the Queens most honorable court of Chancery, at a certaine day by your good Lordship to be limitted, the said attachment, and all the matter concerning the same, and to examine the said matter, and all the whole circumstance thereof, and to stand to such order and direction therein, as shall stand with right, equitie, and good conscience. And your said Orator shall pray to God for the preseruation of your good Lordship long to continue.

A Bill where a Iurie hath passed in a matter wrongfully, praying a Cercior ari.

Sect. 143

In most humble wise sheweth and complaineth vnto your most Honorable good Lordship, your poore suppliant and continual Orator P. of W. of the citie of L. Broker, That whereas one A. P. of the said citie marchant stranger within the said citie was possessed of, and in certaine linnen clothes, to the value of 20. li. sterling, e to your poore suppliants knowledge then, and as yet as of his owne meere proper goods and chattels, and so therof being possessed, the same within the said citie delivered to your poore Orator, being a Broker, safely to keepe and to sell any merchandise by the discretion of your poore suppliant, to the vse of the said A. by force whereof, your Orator made sale thereof, to certaine persons within the same citie, and the money, goods, and marchandises thereof received and taken, delivered vnto the said A. And so it is, right honorable Lord, that after and since the sale thereof made, one J. D. Marchant stranger, pretending a propertie in the foresaid linnen clothes, hath commenced an action vpon his Case against your poore suppliant in the Guildhall, set and being within the foresaid citie, before the Sheriffes thereof, and thereupon hath declared that the said J. should have lost those goods, and that they came to the hands and possession of your poore suppliant within the said city by way of Trover. And furthermore that your poore Orator was sundry times required to make deliverance thereof to the said J. and that refused, and the same afterward solde, and the money thereof received converted to your Orators vse, to which matter one J. D. your poore Suppliants Attorney, rashly without advisement or counsell therein taken, said that your poore Orator did not sell the said clothes nor any part thereof, and vpon the same matter, whether any sale thereof was made by your suppliant or not, an Issue was taken, and the Jurie tried, sworne, and charged, found a sale made by your poore Orator of the said clothes (as the trueth was) nothing regarding to whom the propertie of the said goodes was, at the time of the sale thereof made, because of the plea so vnadvisedly pleaded, it was confessed in poynt of iudgement, the propertie thereof to bee in the said J. D. and so it is, right honorable Lord, that the said Attorney might have taken an Issue, that your said Orator solde no clothes of the said J. because of trueth the clothes were the proper clothes of the said A. and not the clothes of the said J, and so the Jurie should have tried in whom the propertie was, and because the propertie was not put

in.

in issue, the Iurie had no warrantie to enquire therof, and in case they had beene the clothes of the said J. as they were not indeed, your poore Orator ought not by order of the law to haue beene charged, because they were deliuered to your Orator by the hands of the foresaid A. to sell, and your Orator did accordingly. And the money, goods, and merchandises thereof receiued, deliuered to the said A. and so if any trespasse or wrong was done to the said J. it was done by the said A. and not by your said Orator, against whom the said J. may take his action. For your poore Orator at the time of the said action commenced, neither had the said goods in his possession, ne any other things in lieu or consideration of the same goods. And also there is a custome within the said Citie, that if any Vpholster or Broker sell any goods within the same Citie to any person or persons of the same Citie, vpon the deliuerie of any person, for, or at the request of him hauing witnesse of the deliuerie thereof to him made, or bring out the partie who deliuered them vnto him, not being himselfe particeps criminis, should be discharged, and not damnified for that his offence doing in making sale thereof. And also by the order of the common lawes of this Realme, a man comming immediatly to the possession of the goods, not being partie to the first wrong, shall not be charged in an action of trespasse, which matters, or any of them, if they had beene pleaded, had beene a sufficient matter of barre, and because they were not pleaded, your poore Suppliant could not be receiued to giue them in euidence to the Iurie, and so your poore Orator is like to pay vnto the said J. the value of the said clothes, the said J. hauing no propertie, right, nor title to the same, vnlesse your most honourable Lordships fauour be shewed herein. In consideration wherof, it may please your most Honourable Lordship, the premisses tenderly considered, to graunt the Kings most gratious Writ of Certiorari, to bee directed to the Sherife of the said Citie, commaunding them and euerie of them to certifie before your good Lordshippe the whole record of the premisses depending before them, or either of them in the Kings most gratious court of Chancerie, at a certaine day by your good Lordship to be limitted, and therein further to proceed, and further to graunt the Kings most gratious and speedie writ of Subpœna, to be directed to the said J. commaunding him personally to appeare before your good Lordship in the said Court of Chauncerie at a certaine day, and vnder a certaine paine by your good Lordship to be limited therein, to stand to &c.

A Bill containyng that the plaintife taking vp of a Mercer vpon his credite, ſilkes and veluets, put his hand to the debt booke of the parcels of the ſaide ſilkes and veluets, witneſſing his debt for the ſame: and afterwards the plaintife for his better ſecuritie of his ſaid debt, made him a bill of his hand for the ſame debt: and that the plaintife afterwards at the deſire of the Mercer procured his eldeſt brother to become bound to the ſaid Mercer for the paiment of the plaintifes ſaid debt, vpon the Mercers promiſe, to take no aduantage thereof, vntill after the death of the plaintifes father. Afterwards the Mercer dieth inteſtate, and the adminiſtration of his goods is committed to R. A. by a practiſe of the Mercers creditors, The adminiſtrator bringeth an action of debt againſt the ſaid plaintife vpon his ſaid Bill of debt: and alſo threatneth to ſue the plaintife and his brother vpon the ſaid booke of parcels, and the bond: and then ſheweth that he tendred the debt to the adminiſtrator, who refuſed the ſame, and ſo prayeth proceſſe.

To the right honorable Sir Io. P. Knight, Lord Keeper of the great Seale of England.

Sect. 144.

In moſt humble wiſe complaining, ſheweth vnto your honourable L. your daily Orator T. D. Gentleman: That whereas your Orator being of late ſeruant in houſhold to the right honorable ſir C. H. knight of the moſt noble order of the Garter deceaſed, late Chauncellor of Engl. hauing then ſmall maintenance from I. D. of D. in the Countie of C. Eſquire his father, did make his eſtate knowen to one N. B. of London Mercer now deceaſed, being your ſaid Orators very neere kinſeman, who was content to giue your ſaid Orator credite for diuers parcels of ſilkes and veluets, at ſundry times, amounting in the whole to the ſumme of rrr. li. or therabouts, for the which your orator did ſubſcribe his hand to the debt booke of the ſaid N. B. wherein the ſaid parcels of ſilkes were ſet downe vnder the ſame parcels, witneſſing the ſaid debt. And at another time after that, your ſaid Orator did ſeale and deliuer vnto him a bill of your Orators hand for his better ſecuritie of the payment of the ſaid debt. And afterwards becauſe your Orator was but a ponger brother, the ſaid N. B. deſired your orator to procure his eldeſt brother H. D. ſonne and heire apparant of the ſaid I. D. for the better ſecuritie of the ſaid debt to become bound to the ſaid N. B. by obligation for the payment of the ſaid debt, promiſing neuertheleſſe to take no aduantage of the ſaid Obligation, nor to put the ſame in ſuite during the life of the ſaid I. D. whereupon the ſaid H. D. at your Orators requeſt did become bound to the ſaide N. B. by obligation accordingly, and your Orator did then ſeale and deliuer

deliuer to the ſaid P.D. his brother a counterbond to ſaue him harmeleſſe from the ſaid Obligation. So as the ſaid N.B, by the ſeuerall meanes aforeſaid had 3. ſeuerall kinds of aſſurances or ſpecialties for one and the ſelfe ſame debt, that is to ſay, his debt book ſubſcribed with your orators hand, a bil of debt ſealed and deliuered vnto him by your orator, and an obligation ſealed and deliuered vnto him by the ſaid P. D. And now ſo it is, if it may pleaſe your good L. that the ſaid N.D. is lately deceaſed, after whoſe deceaſe the adminiſtration of his goods and cattels is committed to one R.A. an vnknown perſon that cannot be found, whoſe name is but vſed by others in all vnconſcionable ſuites. For if it may pleaſe your good Lo. R.S. Alderman of London, R.W and F.S. pretending themſelues to be creditors of the ſaid N.B. hauing procured the ſaid bill of debt and obligation to bee ſet ouer vnto them, haue thereupon not only commenced ſuit in the Qu. maieſties court of Common pleas at Weſtminſter, in the name of the ſaid R.A. as adminiſtrator of the goods and cattels of the ſaid N.B. againſt your ſaid orator vpon his ſaid bill of debt of 20. li. but alſo doe threaten to commence one other ſuit againſt your ſaid Orator vpon the ſaid debt booke, and a like ſuite againſt the ſaid P.D. vpon the ſaid Obligation. And albeit your ſaid orator haue diuers and ſundry times offered and tendered to pay the ſaid debt of 22. li to the ſaid adminiſtrator, with ſuch reaſonable coſts and expences as hath been by him expended, and beſtowed in the ſaid ſuit at the common law, and is ready to pay the ſame. Yet neuertheles the ſaid R.A.R.S.R.W. and F.S. do refuſe to accept thereof. And the ſaid R.S. &c. do very hotely proſecute the ſaid ſuit at the common law in the name of the ſaid R.A. contrary to equity and conſcience, & do procure and cauſe the ſaid R.A. to abſent himſelfe, ſo as your ſaid orator cannot tell where to finde him to deliuer vnto him any proceſſe to compell him to anſwere to his ſaid vnconſcionable dealing, and yet ẏ ſaid ſuit at the common law is ſtil proſecuted in his name by the means & procurement, and at the coſtes & charges in law of the ſaid R.S. &c. or by ſome of thẽ, who haue procured the ſaid debts to be aſſigned and ſet ouer vnto them as is aforeſaid. In conſideration whereof, and for that it is againſt all conſcience to take aduantage of the ſaid treble aſſurances made for one ſelfeſame debt: and for that your ſaid Orator is remedileſſe therein by the due courſe of the common lawes of this realme, and for that your ſaid orator is ready to pay the principall debt being 22. li. together with reaſonable coſts of ſuite. May it therefore pleaſe your good Lordſhip to graunt vnto your ſaid orator the Qu. maieſties moſt gracious writ of Subpœna, to bee directed to the ſaid R.A.R.S. &c. commanding them and euery of them to appeare perſonally before your good Lordſhip in her Maieſties high

court of Chancery, at a certaine day, and vnder a certaine paine therein to be by your good Lordship limited, then and there to answer to the premisses, and to stand vnto and abide such further order and direction therein, as to your good Lordship shall seeme to stand with iustice and equitie, and your said orator shall daily pray &c.

A Bill containing that a widow seised in fee of three messes &c. thereof enfeoffed diuers persons in fee for the performance of her last Will and Testament, and by the same she deuised the said messes &c. to her sonne in taile generall with diuers remainders ouer, and died. That the deuisee died, hauing issue the plaintife. That the feoffement and will is come to the defendants hands. That by colour thereof he hath entred and expulsed the plaintife, and hath made diuers secret estates to diuers vnknown persons to defraud the plaintife of his apt remedy by the common law, and so praieth processe against the defendant.

To the right Honorable Sir T. E. Knight, Lord Keeper of the great Seale of England.

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IN most humble wise complaining sheweth vnto your good Lordship your daily Orator I. B. labourer. That whereas R. G. widow was lawfully seised in her demesne as of fee, of, and in three messes, twenty acres of land, meadow, leasow, and pasture, with the appurtenances, set, lying, and being in M. in the Countie of B. And the said R. G. being so seised of all the premisses, did of the same about fortie yeares last past enfeoffe certaine persons, To haue and to holde to them and their heires, to the vse and performance of the last will and Testament of the said R. G. and by the same her Will deuised all the premisses, or the vse thereof to her sonne W. B. and to the heires of his body lawfully begotten, with diuers remainders ouer, and died, by and after whose death, the said W. B. into the premisses entred, and was thereof lawfully seised in his demesne as of fee taile generall by force of the gift aforesaid. And the said W. B. so being seised of the premisses, died of such an estate thereof seised, by and after whose death the same premisses did descend and come to your said orator, as sonne and heire of the body of the said W. B. by force of the deuise aforesaid, by reason whereof, your said orator into the premisses entred, and was thereof seised in his demesne as of fee by force of the said gift in taking the issues and profits accordingly, vntill of late, that is to say, about foure yeares last past, that as well the said deed of feoffement and last will and testament aforesaid, as also diuers other euidences, charters, escrips, and muniments, concerning the premisses, are by casuall

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meanes come to the hands, custody, and possession of one R. W. of D. aforesaid in the said county yeoman, who by colour of having of them, hath not only entred into the premisses, and therof expulsed your said orator, but also hath contrived diuers secret estates to diuers and sundry persons to your orator vnknown in purpose to defraud and delay your said orator of his apt action and remedy by the couse of the Common lawes of this realme, for recouery of the premisses, to your orators vtter vndoing, and disinheritance for euer. And forasmuch as your said orator knoweth not the certaine number, nor the dates and contents of the said euidences, charters, escripts, or munuments, nor yet wherein the same be contained, whether in bagge, or bore, sealed, or vnsealed, or in chest locked or vnlocked, by reason wherof your said orator is clearely without all remedy for the recouery thereof by the ordinary course of the common Lawes of this realme. In tender consideration whereof, may it please your good Lordshippe, the premisses considered, to grant vnto your said orator the Queens maiesties most gracious writ of Subpœna, to be directed vnto the said R. W. commanding him thereby personally to appeare before your L. in the Queens maiesties high court of Chancery at a short day, and vnder a certaine paine therein to be limited, then and there to answer to the premisses, and to abide such order and direction therein, as to equity and iustice shall appertaine. And your said orator shall daily pray as he is bounden for the health and long life of your good Lordship, with all increase of honour to Gods will and good pleasure.

A Bill against two for the deliuery of heireloomes or principalities the plaintife being sonne and heire, according to the custome of the Countie Pallatine of Chester.

To the right Honorable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

COmplaining, sheweth vnto your good Lordship your daily orator I. S. of Lincolnes Inne Gentleman, sonne and heire of I. S. of D, within the countie of C. That whereas the said I. S. was in his life time lawfully possessed, of, and in diuers goods and chattels as of his owne proper goods, that is to say, plate, iewels, houshold stuffe, beastes, cattell, horses, and other manner of goods, amounting to the value of fiue hundred pounds or neere thereabouts, and so being therof possessed, made his testament and last will, ordaining therein Elizabeth then his wife, and now wife to W. P. his sole executrix, and shortly after died, possessed of the premisses as aforesaid within the Sect. 146

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said countie of C. Immediatly after whose death, the said E. did take vpon her the administration of the said goods, and other the premisses accordingly, by vertue whereof she was thereof possessed accordingly. But so it is if it please your honor, that the custome of all the country within the said Countie of C. is, and time out of mind of man to the cõtrary hath bin, that if any person or persons being possessed of goods and cattels as of his owne proper goods and cattels, and die thereof possessed, that the next heire to him that so dieth possessed shall haue the best and principall thing of euery sort and kinde of the said goods and cattels for and in the name of the principals and heire Lomes, by force and vertue whereof your orator being the sonne and heire of the said I. S. was after the death of the said I. S. iustly entituled to a great part of the said goods & cattels amounting at the least in value to 200. pounds or nere thereabouts, by reason whereof, and for that your said orator was at the time of the death of his said father vnder age of one and twentie yeares, and yet is, and in ward to the Qu. maiestie, and hauing the possession of so much of all the said goods and cattels as to your said Orator did appertaine, and of right belong by vertue of the custome aforesaid, being very nere to the value of 200. pounds by deliuery of the said E. in her widowhood immediatly after the death of the said I. S. your said orator did incontinently thereupon deliuer the same to the said E. to be safely by her kept to your said orators vse, and to be inlike manner safely redeliuered to your said orator at such time or times as by your said orator or his assignes shs should be thereunto required, sithence which said redeliuery made by your said orator to the said E. as aforesaid, the said E. hath taken to husband one B. P. Gentleman, by reason whereof all the said goodes, cattels, and other the premisses were and did come after the said entermarriage into the hands and possession of the same B. P. which said E. sithence the said deliuery made by your said orator vnto her as aforesaid before the day of entermarriage, hath vtterly refused to make any redeliuerie of the said goods and cattels, so by your said orator to her deliuered as aforesaid, or yet to make any satisfaction thereof to your said orator, and the said B. and E. alwayes sithence the said entermarriage haue refused and yet do refuse to redeliuer the same, or yet to make anie satisfaction therefore to your said orator, notwithstanding many lawful and gentle requestes to them and either of them made in that behalfe by your said orator contrary to all right, equitie and conscience. In tender consideration whereof, and forasmuch as your said orator doth not know or remember the certaine precise particulars or value of the said goods and cattels which of right do belong to your said orator, and deliuered by your said Orator as aforesaid, by reason of your said Orators then

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tender age being not then of diſcretion to haue the ruſtodie and rule thereof, and ſo remedileſſe by the order of the common law for the recouerie thereof, or of any part thereof, or to haue any ſatiſfaction made to your ſaid orator by the ſaid B. and E. or by eyther of them. It may therefore pleaſe your good Lordſhip, the premiſſes conſidered, to grant the Queenes Maieſties writs of Subpœna, to be directed vnto the ſaid B. P. and E. his wife, commaunding them and eyther of them to appeare before your good Lordſhip, in the Queenes Maieſties moſt honorable court of Chaunceric at Weſtminſter, then and there to anſwer to the premiſſes, and therein to ſtand to, abide, and performe ſuch order and direction as to your good Lordſhip ſhall be thought to ſtand and be conſonant to equitie and good conſcience, and your ſaid Orator ſhall daily pray to God for your good Lordſhip, in health and honour long to continue.

A Bill (by a Noble man) containing that the plaintife tooke vp vpon his credit velvets and ſilks of the defendant at a deare rate, and gaue his own bond with ſuerties for the payment of the ſame: and that afterwards he tooke vpon his credit of him more velvets and ſilkes at the like deare rate, and being within age knowledged a ſtatute ſtaple to the defendant for all his whole debt, vpon his promiſe to deliuer to the plaintife his obligation which he had made for his firſt debt to be cancelled, the plaintife allowing intereſt to the defendant for the forbearance, notwithſtanding the deare prices and rate he bought the ſtuffe at, for which the ſaid debt grew, and then ſheweth that he payed not his debt at the day contained in the ſtatute ſtaple, and that the defendant threatneth not onely to ſue the ſaid bond, but alſo to ſue execution of the ſaid ſtatute againſt him, and prayeth deliuerie or releaſe of his obligation and proces againſt the defendant to anſwer the Bill.

To the right honourable Sir Chriſtopher Hatton, of the moſt noble order of the Garter, knight, Lord Chancellor of England.

COmplayning ſheweth vnto your good Lo: C. S. Lord D. That whereas he the ſaid Lord D. during the time as he was vnder the age of 21. yeares at ſundry times had and bought of one I. L. Citizen and Mercer of London diuers parcells or peces of velvet, ſilke, and ſuch like at exceſſiue prices, and not hauing then readie money to pay for the ſame, the ſaid Lord D. together with one R. S, Gentleman, and others, did enter into ſundrie bonds to the ſaid I. L. for the payment thereof at ſeuerall dayes after, alwayes allowing vnto the ſaid I. L. ouer and beſides the exceſſiue prices which he was to pay for the Sect. 147.

the same velues and silkes further consideration, or rather as it may be said usury for the forbearing thereof till the time of payment. And afterwards the said Lo. D. during the time of his minoritie aforesaid, had and did buy other parcells of velueties, silkes, and such like, of the said J.L. at like excessiue prices, which likewise the said Lo. D. did not then pay for the prices or summes of money whereunto the saide parcells of velues, silkes, and such like, lastly had and bought after the like excessiue prices and rates, together with the said prices or summes of money before due for the other parcels formerly had and bought by the said Lord D. together with consideration or rather vsurie for the forbearing of, and for the payment thereof till a certaine time then agreed vpon betweene the said L.D. and him the said J. L. did amount and come to the summe of 500. li. for the paiment of which said summe of 500.li. at the time agreed vpon hee the said Lord D. at and vpon the motion, meanes, and intreatie of the said J.L. did during the time of the minoritie of him the said Lord D. become bounden by one Statute Staple vnto the said J.L. in the summe of one thousand pounds of good and lawfull money of England, taking the word and promise onely of the said J.L. to deliuer vnto him the said Lord D. or his said sueties the said bonds which before he the said Lord D. and his saide sueties had entred into to the said J.L. or otherwise that he the saide John should and would cancell and make void the same, so as thereby or by reason of any of the said bonds the said Lord D. nor any of his said sueties should be in any wise sued, vexed, troubled, or charged. But now so it is, if it may please your good Lordship, that the said J. L. although he hath beene thereunto in most gentle and friendly manner earnestly requested and desired by the said Lord D. the said R. S. and other the said sueties of the said Lord D. to deliuer vnto them the said bonds so by them made, and entred into to the said J.L. as is aforesaid, or otherwise to cancell and make voide the same, yet that to doe the said J.L. hath vtterly refused and denied, and still doth denie and refuse to doe the same. But contrarie to his said word and promise as aforesaid made and giuen vnto the said Lord D for the redeliuerie thereof, or otherwise to cancell and make void the same bonds, doth now daily threaten to put the same in suit at the common law, against the sueties of him the said Lord D. or else already hath so done contrarie to all right, equitie, and good conscience. And besides this, because the saide Lord D. did not pay vnto him the said J. L. the said summe of fiue hundred pounds at the time limitted for the payment thereof, which in very truth he the said Lord D. could not well doe vnlesse he should haue made sale of his landes to his great dishonour and losse. And notwithstanding that he the said Lord D. hath

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ſought and made means to the ſaid I.L. to compound with him in ſome reaſonable ſort, and to accept his money at reaſonable dayes, ſuch as he the ſaid Lord D. could and might be well able to ſatiſfie and pay the ſame, the rather conſidering his great intereſt allowed in recompence for the forbearing of time, and giuing day of paiment, and the exceſſiue prices for which he ſold the ſame ſilks, velvets, and ſuch like to the ſaid Lord D. yet he the ſaid I.L. hath done and daily doeth ſeeke and goe about to ſue execution, and to take the benefite of the ſaid ſtatute of a thouſand pound, againſt the ſaid L.D. contrary to all equitie and good conſcience. The premiſſes therefore tenderly conſidered, and foraſmuch as the ſaid Lord D. the ſaid R.S. and others the ſaid ſureties of him the ſaid L.D. or any of them, cannot pleade any good or ſufficient plea in auoidance or diſcharge of the ſaid bonds and ſtatutes, nor of any of them, whereof the ſaid I.L. moſt vnconſcionably ſeeketh and goeth about to ſue, procure, and take the penaltie, execution and forfeiture againſt him the ſaid Lo. D. and his ſureties, by the ordinary courſe of the common lawes of this realme, and the rather, for that alſo the ſaid Lo. D. is and will be ready for the further diſcharge of the ſaid R.S. and others his ſaid ſureties, to ſatiſfie and pay vnto him the ſaid I.L. the ſaid ſumme 500.li. at ſuch dates and times, and in ſuch maner and forme as to your good Lo. ſhal in equity and right ſeeme meet and conuenient. It may therefore pleaſe your good Lo. to grant her maieſties moſt gracious Writ of Subpœna, to bee directed to the ſaid I.L. commanding him thereby at a certaine day, and vnder a certaine paine therein to be limitted, perſonally to appeare before your good L. in her Maieſties high court of Chancery, then and there to anſwere to the premiſſes, and to ſhew cauſe why he the ſaid I.L. ſhould not reuoliuer the ſaid bonds to the ſaid Lo. D. and his ſaid ſureties, or elſe to cancell and make void the ſame, or otherwiſe therof to releaſe, diſcharge, and ſaue harmeleſſe the ſaid Lo. D. and his ſureties, as in right and equity it behoueth: and further to ſtand to and abide ſuch order and direction therein, as to your good Lo. and the ſaid hon. Court ſhall ſeeme beſt to ſtand with equitie and good conſcience.

The Anſwere of I.L. defendant to the Bill of complaint of Ed. Lord D. complainant.

THe ſaid defendant by proteſtation not acknowledging or confeſſing any matter or thing in the ſaid Bill of complaint conteined material for the ſaid debt to be anſwered vnto to be true in ſuch maner and forme as in and by the ſaid bill of complaint is ſet forth and alleaged. For anſwere ſaith, that the ſaid complainant about foure yeares paſt, Sect. 148

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at ſeuerall times had and bought of the ſaid def. diuers parcels of ſilks, veluets, and wares, amounting vnto the ſumme of 159. li. 4 s. 5. d, or thereabouts, all which parcels the ſaid Defendant did ſel vnto the ſaid complainant for and at reaſonable prices conſidering the daies of paiment, and for the true paiment of ſome part of the ſaid ſumme, he the ſaid Lo. D. together with the ſaid R. S. in the ſaid Bill of complaint named, and one D, C. being then the ſaid complainants ſeruants, did become bound to the ſaid Defendant by two obligations which they forfeited. And long afterwards, that is to ſay, in the moneth of May 1588. the ſaid Lo. D. having occaſion to vſe other neceſſaries for himſelfe and his wife, and having detained the aforeſaid ſumme 159. li. 4 s. 5. d. from the Defendant a long time, did in the ſaid moneth of May 1588. in reſpect of the ſaid time paſt allow the ſaid Defendant for conſideration but 26. li. 13. s. And in the ſaid moneth of May the ſaid complainant at his earneſt requeſt had a new ſupply of wares amounting to 73. li. 15. s. 4. d, and did then accept of and acknowledge certaine parcels had to his vſe by the ſaid Chriſtopherſon, to the value of 3. l. 17. s. 9. d. which foure ſummes do amount to 255. li. for al which ſaid debt the complainant gaue his owne obligation to the ſaide Defendant endorced with condition for the payment thereof the 24. day of June, 1588. After which bond for 255. li. taken, and before the ſame was due, viz. about the laſt day of the ſaid moneth of May 1588 the ſaid complainant ſtanding in need both of money and other neceſſary furniture for himſelfe, his wife and houſe, earneſtly did intreate the ſaide defend. to lend vnto him the ſaid complainant the ſumme of fiftie pounds in ready money, which he protеſted to be for proſecuting an earneſt ſuit he had againſt one ſir I. L. Knight, as this Defendant remembreth, which although the ſaid Defendant could then performe hardly, yet he the ſaid Defendant made means for ſo much mony, and did lend the ſame fiftie pounds to the ſaid complainant for twelue moneths, vpon allowance of fiue pound for the ſame for the ſaid time and no more. And alſo further did moſt earneſtly deſire and entreat him the ſaid Defend. to ſell vnto him ſo much ſilkes, veluets, and wares to furniſh then his preſent want, as ſhould make the preſent ſumme of 255. li. by his bond, and the fiftie pounds lent in ready mony, with the fiue ponnds for intereſt therof as aforeſaid, amounting to the ſumme of 503. pounds, and thereupon the ſaid Defendant deliuered and cauſed to be deliuered to the ſaid plaintife or his aſſigns about the ſaid laſt day of M. and in June following the ſaid ſilks, veluets, and wares at reaſonable prices conſidering ỹ time he gaue for paiment of his mony due for the ſame to the value of 190. li. 17. s. 4 d, which made vp all the former ſummes 500. li. 17. s. 4 d, And for payment of the ſaid ſumme

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of 500.li. parcell of the said debt of 500.li. 17.s. 4.d. the said compl. did knowledge to the said def. a recognizance or bond obligatory of the nature of a statute staple of 1000.li. in the said bill of compl. mentioned, vpon which statute knowledged the said def. delivered to ỹ said compl. to be cancelled the forsaid bond made by the said compl. to the said def. for payment of 255.li. And shortly after the knowledging of the said statute, that is to say, about the space of iiij. or v. wekes after, and long before the time limited for the payment of the said Def. principall debt of 500.li. the said compl. purposing to defeate the said Def. of his said iust and due debt, did pursue a Writ of Audita querela, supposing himselfe thereby to be within the age of xxj. yeares, both then and at the time of the knowledging of the said statute, vpon which writ after the same was returned into the court of common pleas, and before the said def. had notice or vnderstanding of the same, the said compl. and others the solicitors of the cause after that he was inspected and viewed by the Iustices of the same Court, did produce or cause to be produced ỹ. persons or witnesses before the said Iustices to be deposed that the allegation and surmise of the said Audita querela was true, viz. that the said compl. was then and at the knowledging of the said statute vnder the age of xxj. yeares, which witnesses were examined and deposed accordingly in the behalfe of the said compl. before the said Defend. had any knowledge or vnderstanding of the said compl. proceeding therein, and before any writ or Scire facias was awarded and taken forth to warne the said Def. of the said suit, as by the said depositions and proceedings therein remaining of Record in the said court of common pleas, whereunto the said Def. for certainty of the times doth referre himselfe more certainely doth appeare, which said suit of Audita querela for the avoiding of the said Statute the said complainant by his solicitors and seruants did most earnestly follow vpon a bare pretence that the said complainant wanted some few moneths of the age of one and twentie yeares, for maintenance of which said Statute the said Defend. was called in by proces and did pleade thereunto, after which plea pleaded, and after the said Def. had bene drawne in great charges and expences for the defence of the said statute and cause, the said compl. and his councell, solicitors, atturney or some of them, seeing no likelihood to prevaile in that course, did become nonsuit, and without any regard had of the penalty therof, did faile and neglect to pay to the said defendant his said principall debt of fiue hundred pounds at the dayes and times wherein the same was limited and appointed to be paied by a writing of defeasance made betweene the said complainant and Def. touching the penaltie of the said Statute, the same dayes of payment or some of them being now expired eightene moneths past and more, and yet the

whole

whole debt still vnpaid vnto the said Defendant, for payment whereof, the said Def. hath and doth keep the said statute and the first two bonds wherein the said compl. with his men are bound as his suerties as aforesaid, for payment of part of the said principall debt, being this Def. owne proper goods as both by law and conscience the said Defendant thinketh he may lawfully doe. And yet neuertheles the said Defend. further saith, that if the said compl. will forthwith pay vnto him the said defendant the said summe of 500. pounds being his principall and iust debt, together with the charges he hath benequt vnto, and consideration after the vsuall rate of x. li. for the hundreth, like as the Def. himselfe doth pay to others for the long time the said def. hath forborne his said debt, he the said Def. will forgo the penaltie of the said statute, and will deliuer the same statute and the said bonds to the said complaynant: without that, that the said defendant did sell vnto the saide complainant any peece or peeces of veluet or silke at the seuerall times in the bill mentioned, or any other time, or any other things at anie excessiue or vnreasonable price the dayes of payment considered. Or that the said complaynant did ouer and besides the excessiue price of any such thing allow and pay to the said defendant any further consideration or vsurie for the forbearing thereof till the time of payment otherwise then is before truely laid downe in this answer. Or that the said complainant and that the said R. S. or any other did enter into any more bonds for any the summes in the said Bill mentioned to the said Def. then such as before are confessed to the knowledge of this def. And without that, that the said compl. did at the intreatie of the said def. during his the said complainants minority enter into the said statute in the Bill mentioned to the knowledge of this Def. but vpon the importunate request and intreatie of the said plaintife to supply his wants, as aforesaid, the said Def. was content to accept of his said statute, not being able to giue better assurance as the said Defend. required. Or that the said Def. did then or at any other time promise to the said Complainant or his said suerties in the Bill mentioned any the bonds by them or any of them entred into to the said Defend. for or touching the said debt as he now remembreth, or any part thereof, other then the said Obligations which the said Defend. did redeliuer to the plaintife to be cancelled, as aforesaid, or did promise to cancell or make voyd the same in manner and forme as in the said bill of compl. is surmised to the remembrance of this Defendant. And without that, that the said complaynant or any other for him did require the redeliuerie of the said bonds as this Defendant remembreth, or that there is any cause or reason why the said complainãt should make any such request or the said Defendant to make any such promise vntill his saide

debt

debt be paied. And without that, that the ſaid cõpl. hath or doth ſeek to make any reaſonable compoſition with the ſaid def. for or touching the ſaid debt, or any part thereof, but rather hath endeauored to defeat the ſaid defendant of his ſaid debt. And therefore hee the ſaid defendant hopeth that the ſaid compl. ſhal not haue or receiue any fauor in this hy. Court againſt the ſaid defendant: ſeeing that the ſaid defendant deſireth nothing elſe but his principall, with reaſonable recõpence for the great wrong and iniury the ſaid compl. hath done, both in putting him to great charges and expences, and by the long withholding and detaining of the ſaid debt as aforeſaid, without that, that the ſaid defendant hath hetherto taken or recouered the penalties of the ſaid Stat. or Bonds, or any of them, or that the ſaid compl. is or hath ſhewed himſelfe at any time ready to ſatiſfie the ſaid debt vnto the ſaid def. or any part thereof in maner and forme, as in the ſaid bill of complaint is alleaged. And without that, that any other matter or thing &c.

A Bill exhibited againſt a Nobleman, and againſt diuers tenants & Farmers, & officers of diuers maners, containing that the nobleman for his debt due to the plaintife becam bound in a ſtatute of ſtaple of 1200. li. and for that the debt was not paid at the day it was due, the plaintife extended diuers manors and lands which the nobleman had, and was ſeiſed of at the time he knowledged the ſaid Statute, and had ſold the ſame before the time of the extent to diuers perſons, and vpon a Liberate to the Sherife, had the ſame mannors and lands deliuered vnto him to hold in extent till his debt were ſatisfied: Afterwards vpon the noblemans ſuite to the L. Chancellor, & vpon the L. Chancellors requeſt to the plaintife, he was contented to forbeare the taking of the profits of the lands extended, and to referre the hearing and ending of the matter touching his debt to two thereunto appointed by the L. Chancellor, who heard and ended the matter, the which end afterwards the nobleman refuſed to performe, whereupon the plaintife went about to take the benefit of his extent, & to keepe Courts, and vnderſtand what lands, and how the tenants held, and what rents & ſeruices they paid for the ſame, but could not performe his purpoſe therein, for the tenants and the nobleman had the Court-rols in their keeping, & the leaſes, rentals, &c. & would not let him ſee the ſame, and that the nobleman refuſed to ſuffer the plaintife to enter into the manors and lands extended, or to keepe any Courts, and would not ſuffer the tenants to pay the plaintife any of the rents or ſeruices due for the ſame mannors, or to declare vnto him what the ſame rents and ſeruices were. And then the plaintife prayeth that the tenants, occupiers, and Farmors of the ſaid mannors, may vpon their oathes bring forth their leaſes, & declare what lands they hold, & what rents & ſeruices euery of them pay. And that all the defendants may ſhew to the plaintife the Court-rols, rentals, booke of ſurney, field bookes, & terriers in their cuſtody, and ſo prayeth proces againſt all the defendants.

To the right Honorable Sir C.H. of the moſt noble Order of the Garter, Knight, Lord Chancelor of England.

Sect. 149. IN moſt humble wiſe complaining, ſheweth to your good Lordſhip, your daily Orator I.L. Citizen and Clothworker of London, That whereas the Ho. Ed. Lord P. Baron of R. the laſt day of December, in the 26. yeare of the raigne of our Soueraigne Lady Qu. Elizabeth, before Sir Chriſtopher Wray Knight, Lord chiefe Juſtice of the plees before her Highneſſe to be holden, did acknowledge himſelfe to owe to your Orator the ſumme of ℔CC.li. of lawfull Engliſh money by his Recognizance in the nature of an Eſtatute Staple, with a defeaſance thereupon made for the true payment of diuers ſeuerall ſummes of money at ſundry ſeuerall daies now long ſithence paſt. And whereas likewiſe the ſaid Ed. Lord P. was & ſtood iuſtly indebted to your ſaid Orator in diuers other ſummes of money by other Bonds, as alſo by your Orators Booke, for diuers Wares taken vp of your Orator for the vſe of the ſaid Lord Ho. And whereas alſo Tho. P. Eſquire, brother of the ſaid Lord P. ſtood indebted, & did owe to your ſaid Orator other certaine ſummes of money, for the payment whereof, the ſaid L. P. did vndertake and did make to your ſaid Orator many ſeueral and ſundry promiſes, the which (as yet) he hath in no ſort performed. And whereas the ſaid L. P. at the time of the knowledging of the foreſaid Statute Staple, was lawfully ſeiſed in his demeſne as of fee, of and in the Manors of H. W. A. & B. with two Faires twice in the yers, with one Market holden euery weeke at H. aforeſaid, with the Hundred of F. with euery of their appurtenances, ſituate, lying, and being in the County of Norfolk, & of & in the manor of H. with their appurtenances in the ſaid County of Norff. which ſaid Manors & other the premiſſes aforeſaid, the ſaid Lord Ho. by lawful aſſurance and conueyance in the Law, did bargaine, ſell, conuey, and aſſure the ſame, with all and euery their appurtenances whatſoeuer, to one Tho. Lord of H. in the ſaid Countie of Norfolke Eſquire, and to his heires for euer, by vertue of which conueyance and aſſurance, the ſaid T. L. was and is yet ſeiſed of the ſaid ſeuerall Manors, and other the aforeſaid premiſſes, in his demeſne, as of fee. And whereas the ſaid Ed. L. Ho. was likewiſe ſeiſed in his demeſne as of fee at the time of the knowledging of the ſaid Statute Staple of & in the Manors of S. P. & W. with the aduowſons of Sw. Ho. and Wo. with their appurtenances, in the Countie of Norff. aforeſaid, which ſaid ſeuerall Manors, & the aduowſons aforeſaid, the ſaid Lord Ho. by like conueiance & aſſurance did conuey and aſſure the ſame to one Ed. B. late of D. in the ſaid County of Norffolk Eſquire deceaſed, and to his heirs for euer, to the only vſe and behoſe of the ſaid Ed. B. his heirs and aſſignes for euer, by whoſe death T. B. ſonne and

heire

heire of the said E.W. Esquire deceased, was and yet is seised of the said Manors of S. Mo. & Wo. and of the aduowsons of S. Mo. and Wo. in his demesne as of fee. And whereas the said Lord Mo. was at the time of the knowledging of the said Statute Staple likewise seised in his demesne as of fee, of, and in the Manor of W. with the appurtenances scituat & extended into the Townes of N. P. &c. in the foresaid Countie of Norffolke, which said Manor the said E. Lord M. did likewise convey vnto T. G. gentleman, and to his heires for euer, to the onely vse and behoofe of the said T. G. his heires and assignes for euer. And whereas the said E. Lord M. was at the time of the said Statute knowledged, and yet is seised of and in the Manor of A. with the appurtenances in the said Countie of Norffolke in his demesne as of fee, and being indebted to your said Orator as aforesaid, your Orator made sundrie and diuers earnest requests for the getting of the said debt and summes of money aforesaid, and your Orator being by the said Lord M. promised to haue the said debts at diuers seuerall daies, yet none of them were performed or kept, whereby your Orator seeing no performance, but was delayed from time to time, your said Orator about two yeares sithence sued forth his seuerall Writs of Extendi facias directed to the Sherifes of Norffolke, Eller, Hertford, Sommersetshire, and Yorke, and to the Chancellor of the Countie Palantine of Lancaster, for the extending of all the Manors, Lands, Tenements, and Hereditaments, within the Counties aforesaid, whereof the said L. M. was seised the time of the said Statute knowledged, which Writ directed to the Sherife of the said Countie of Norffolke, was deliuered to one Clement Paston Esquire then Sherife of the same Countie, to be by him executed and returned accordingly. By vertue whereof the said Clement Paston Esquire did by the othes of a Jury sworne & charged within the said County of Norffolke, according to the due course of her Ma. Lawes, extend and appraise the said seuerall Manors, Faires, Markets, Lands, Tenements, and all other the premisses with the appurtenances lying within the said Countie of Norffolke, as in and by the said extents remaining of Record in this H. Court of Chancerie, and by the returne of the said Sherife, with the seisure of the said seuerall Manors into the K. Maiesties hands, to the intent they might be deliuered to your Orator in extent, more at large it doth and may appeare. After which inquisition, extent, and seisure so taken, had, and made, your Orator sued forth her Highnesse Writ of Liberate, bearing Teste the xiij. day of February, in the xxx. yere of her Highnes raigne, directed to the said Sherife of Norffolke, commanding him thereby to deliuer the said seuerall Mannors extended as aforesaid vnto your Orator to hold them in extent, vntill your Orator were of the said

summe of MCC. li. with his costs and expences herein sustained, fully satisfied and payd. By vertue of which said Writ, the said Clement Walton then Sherife did deliuer in extent to your said Orator the xij. day of March then next following the foresaid seuerall Manors of H. W.A. and B. with the two Faires holden twice by the yeare, and the Market of H. there holden euerie weeke, with the Hundred of F. with their appurtenances. And the said Manor of H. with the appurtenances. And also the said Manor of S.Mo. and Wo. with the aduowsons and patronage of Sw. M. and W. with their appurtenances, together with the Manor of B. with the appurtenances, and the foresaid Manor of A with the appurtenances, to hold to your said Orator and his assignes according to the said extent, vntill the said debt of MCC. li. together with your orators costs and damages, were taken and leuied of the premisses. By vertue whereof your said Orator was of the premisses possessed, and so being possessed, the said Lord Mo. before that your said Orator had or could receiue any profit of the premisses, or of any part or parcell thereof, by meanes or reason of the said execution thereupon made and deliuered to your said Orator, did make humble suit to your H. Lordship that it would please the same to moue your said Orator to forbeare the taking of the issues, rents and profits of the said seuerall Manors and other the premisses, and from the molesting of the Farmors, Tenants and occupiers thereof for the same, vntill your H. Lordship, or some others to be by your L. appointed, had heard & determined the cause and reckoning betweene the said Lord M. and your said Orator, whereupon your said Orator was content at the motion & request of your H. Lordship, to permit the tenants of the premisses to continue in their possession quiet & to forbeare the taking of the rents and profits thereof, and to refer the hearing & ending of all reckonings and demands betweene your said Orator and the said Lord M. to the order and determination of M. Doctor S. one of the Masters of this most H. Court of Chancerie, and to S. B. gentleman one of your H. Secretaries, being thereunto assigned and appointed by your L. in fauor of the said Lord M. who entred into examination of the premisses in controuersie betweene the said Lord M. and your said Orator, and by their mediations and at their requests your said Orator was content to forgoe neere the summe of C. li. of his iust demand, so that the said Lord M. would content and pay the residue to your said Orator in such sort and at such times as the said Master S. and Master B. did conclude and set downe: but the said Lord Mo. meaning and intending still to delay your said Orator, and to keepe him both without his money and the profites of the said Mannors and other the premisses with the appurtenances, which were deliuered vnto your said Orator in

execution

execution towards the ſatisfaction of his debt, coſts, and damages, did not onely neglect to performe the ſaid agreement and order taken by the ſaid maſter S. and maſter By. but hath and doth vtterly refuſe and denie to performe the ſame, by reaſon whereof your ſaid Orator for the leuying of his debt, coſts, and damages, did purpoſe and intend to take his benefit of the ſaid execution, and for that end your ſaid Orator about the feaſt day of S. Michael the Archangel laſt paſt, trauailed into the ſaid county of Norfolke where the ſaid manors and premiſſes do lie, and there did offer to keepe Courts, and did likewiſe require the tenants, occupiers, and farmors of the ſaid mannors and premiſſes to render and pay to your ſaid Orator the rents, iſſues, and profits then due for the ſaid premiſſes to your ſaid Orator, and therewithall your ſaid Orator did require the ſaid tenants and occupiers of the ſaid manor and premiſſes to diſcouer and make knowne to him howe and in what ſort and by what title they and euery of them did hold, claime, and enioy the ſeuerall parcell of the ſaid premiſſes which they the ſaid farmors and occupiers did ſeuerally occupie, poſſeſſe, and enioy, to the end that your ſaid Orator might hereafter be aſcertained and inſtructed how to demand, recouer, and come by the rents reſerued vpō their ſeuerall eſtates and intereſts which be rightfully belonging and appertaining to your ſaid orator by reaſon of the ſaid extent, but ſo it is, if it may pleaſe your Ho. Lordſhippe, that the ſaid L. Ho. L. L. Tho. B. Theodore Godwin, Henry Blage Steward, Thomas Louell, Thomas Moore, Henry Hinde, Richard Handford, Edmond Coles, Thomas Baylie, William Drake, George Thurſtone, Rap. Stary, being all Owners, Farmors, Tenants, Occupiers, and Officers of the ſaid Mannors and Premiſſes, in whoſe hands and keeping all the Court Rolles, Rentals, Leaſes, and counterparts thereof, which touch or concerne the ſaid Manors and premiſſes, or any part or parcell therof be and remaine, Haue confederated together both to defeat your Orator of his lawfull execution and eſtate in the premiſſes, and alſo to defraude and vtterly to take away from your ſaid Orator the rents, iſſues, and profits thereof, and therefore and for that end, the ſaid Lord Ho. &c. did not onely denie and refuſe to permit and ſuffer your ſaid Orator or any other perſons to his vſe to enter into the ſaid Manors and premiſſes, or to keepe any Courts in and vpon the ſame, but alſo did and doe deny and refuſe to pay to your ſaid Orator any free or farme rents for the ſaid manors or premiſſes, or to ſhew to your ſaid orator how or by what leaſes or other titles they or any of them do poſſeſſe or enioy the premiſſes, or any part or parcell thereof, or what rents or ſeruices ought to be payd for the ſame, by reaſon whereof, your ſaid orator is like to be kept from the benefit of his ſaid execu-

tion, against all right, equity, and conscience, vnlesse your H. accustomed help be vnto him in this behalfe extended. In tender consideration whereof, and for that the said L.&c. Mo.&c. beeing owners and occupiers of the manors and premisses aforesaid, and do conceale and keep from the knowledge of your said orator as well the yerely rents, services, and farmes, as also the light of their seuerall Indentures of lease, as also the Court-rols, whereby your orator is without remedie either to recouer any yearely farme, or other the rents and services of the Freehold or Copyhold lands pertaining to the said manors, and for that your orator hath not the counterpanes of your said Indentures of lease, neither knoweth the dates of them, nor the certainty of your farmers reserued, or of the rents and services due and payable for the said lands, hauing not the court-rols to shew forth, so as your orator cannot by the course of the common lawes of this realme make any auowry for either the yeerly farmes, nor yet for the rents and seruices due vpon & for the foresaid freehold or copyhold lands holden of the said seuerall manors as afore, not yet for any other duty or service due for the same, nor can shew forth the certainty of the landes ý the said tenants do seuerally hold. May it therfore please your H. lordship, that some good order may be by your good L. set down, wherby ý foresaid seueral farmers, tenants, & occupiers of the said seuerall manors, and all the other parties beore mẽtioned, may be enforced to set down vpon their othes, as also bring forth their seuerall Indentures of leases, whereby your orator may know the seuerall dates of them, as also what lands they hold by the same, and by what yerely rents & farms. And that the tenants of the said seuerall manors may likewise be inforced vpon their othes to set downe what lands they hold of the said seuerall manors either freely, or by copy of court-rol, & by what rents, fines, duties & services. As also the foresaid Ed. Lord H.&c. hauing the custody of any the rentals, court-rols, books of survey, field bookes, or terrers concerning thaforesaid seuerall manors, or of any of thẽ, may likewise be inforced to shew them forth to your orator, to the intent your orator may vnderstand what lands, tenements, or hereditaments are holden of the said seuerall manors, or of any of them, and by what rents, duties, or services the said lands, tenements, or hereditaments are holden by, whereby your orator may according to equity and good cõscience, reape, receiue, recouer, haue & take the yerely reuennes, issues, and profits of the foresaid seueral manors & euery of them, as in law & right belongeth vnto him, and as he ought to do, vntil your said orator be satisfied of the summe conteined in his foresaid statute staple knowledged vnto him, as aforesaid, with his reasonable costs and damages herein sustained, and to thend that all these points may be performed

formed accordingly, May it further pleaſe your good L. to graunt to your ſaid Oratour the M. Maiſties moſt gratious Writ of Subpœna to be directed to the foreſaid E. Lord P. Baron of R. &c. commanding them and euerie of them thereby at a certaine day, and vnder a certain pain perſonally to appeare before your good L. in the ſaid ho. Court of Chancery, then and there to anſwer to the premiſſes, and to abide ſuch further order and direction herein, as to your H. ſhall ſeeme good to ſtand with right, equitie, and good conſcience. And your ſaid Orator ſhall according to his moſt bounden duetie euer pray for the increaſe and continuance of your good L. in health and all honor long to endure.

The ioint and ſeuerall anſwers of T. M. H. B. &c. defendants, to the Bill of Complaint of I. L. complainant.

THe ſaid defendants and euerie of them ſauing to them and euerie of them the aduantage of exception to the incertaintie and inſufficiencie of the ſaid Bill of Complaint, ſay, And firſt the ſaid T. Mor for himſelfe ſaith, That he the ſaid T. Mor doth and hath by the ſpace of two yeares laſt paſt or thereabouts exerciſed the office of Bailife of the Manors of H. A. and B. in the ſaid Bill mentioned, whereof this defendant ſuppoſeth T. Lo. Eſquire to be ſeiſed of ſome eſtate of inheritance, and hath in his hands ſome rentals of the ſaid Manors, which this def. thinketh he ought not to impart to the ſaid complainant, neither ought the ſaid complainant to haue the iſſues, rents and profits of the ſaid Manors as this def. thinketh, for that as this def. hath credibly heard and verily beleeueth it to be true, the ſaid E. Lord P. in the ſaid Bill mentioned, the day of the date of the ſaid recognizance in the ſaid Bill mentioned, or at any time ſince was neuer ſeiſed in his demeſn as of fee ſimple, fee taile, or free hold, of, and in the ſaid Manors of H. A. and B. or any part or parcell thereof, as in the ſaid Bill is vntruely alleaged. But one T. H. was then ſeiſed thereof, who ſince hath conueied the ſame to the ſaid T. L. as this def. hath heard. By reaſon whereof the ſaid Th. L. ought in this def. opinion to haue the rents, iſſues & profits thereof, notwithſtanding the ſaid execution, without that this def. is farmor, cuſtomarie, or free tenant of any part or parcell of the ſaid Manors or other the premiſſes in the ſaid Bill mentioned, other then of parcell of the demeſnes of the ſaid Manor of H. which this def. holdeth by leaſe for certain yeares yet to come, rendring yearely v. li. and of the Faires of H. and the profits thereof, which he holdeth for diuers yeares yet to come, rendring yearely xxvj. s. viij. d. and of the vj. part of the Warren of H. which he holdeth for diuers yeares yet enduring rendring xij. s. by yere, or thereabouts. And of diuers freholds holden

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of the Manor of H. by the rents of xx.s. or thereabouts. And without that, that this def. hath in his hands any Court rolls, rentals, or leases concerning the premisses in his said Bill mentioned, other then in this answere before is mentioned, as in the said Bill is vntruely alleaged. And without that, that this defendant hath vnlawfully confederated with any the persons in the said Bill mentioned, to defeate the said complainant of his lawfull execution and estate in the premisses in the said Bill mentioned, as in the said Bill of complaint is also vntruely alleaged. And the said Henry Blake for himselfe saith, that he hath exercised the office of Steward of the said Manors of H. & B. in the said Bill mentioned, and of the Manors of H. in the said Bill likewise mentioned lawfully constituted therunto as this defendant thinketh by the said L. Lo. being seised of some estate of enheritance of the said Manors, as this defendant supposeth: and that the Court rolls and evidences concerning the said Manors are kept in the house of the said L. Lo. at C. in the Countie of Norffolke, and are not at this defendants disposition to yeeld vp or impart to the said complainant otherwise then as the said L. Lo. shall appoint, wherof this defendant humbly prayeth this honorable Court to haue consideration: without that that this defendant is farmer or customarie or free tenant of any part or parcell of the said Manors or other the premisses in the said Bill mentioned, or hath in his hands any Court rolls, rentalls, or leases, concerning the premisses in the said Bill mentioned other then as in his answer before is mentioned, as in the said Bill of Complaint is vntruely surmised. And without that, that this defendant hath vnlawfully confederated with any person or persons in the said Bill mentioned, to defeat the said complainant of his lawfull execution and estate in the premisses in the said Bill mentioned, as in the said Bill of Complaint is also vntruely alleaged. And the said Thomas Aynsworth for himselfe saith, that he hath and doth exercise the office of Bailife of the Manor of S. in the said Bill mentioned vnder and by the appointment of L. B. Esquire in the said Bill mentioned, whom this defendant supposeth to be seised thereof of some estate of inheritance, and hath in his hands certaine rentals of the same Manor, which rentals this defendant thinketh he ought in dutie to kepe and vse to the benefit and service of the said Thomas B. and to employ the same according to his direction, and not otherwise. And further this defendant saith, that this defendant is farmer of parcell of the demesnes of the Manor of S. aforesaid, which he holdeth for diuers yeres yet to come, yeelding and paying therefore yearely viij.li. viij.s. iiij.d. of lawfull money of England: and also holdeth by copie of Court roll at the will of the Lord of the said Manor of Swanton Morley, according vnto

the

the custom of the said Manor, diuers lands and tenements within the precincts of the said Manor, and yeelding yearely for the same xl.s. or thereabouts, which rents this defendant thinketh are not payable to the plaintife, for that the rents reserued vpon Leases made of any parcell of the extended premisses before the knowledging of the said Statute, are not expressly extended nor deliuered to the said complainant in execution. But the said complainant hauing extended and receiued the premisses into execution as demean in possession is to stay and expect till he may haue and enioy the same according to his extent, and to the deliuerie thereof made vnto him. And further this defendant saith that the said Manor of Swanton Morley is, and at the time of the awarding of execution, was as this defendant thinketh the inheritance of the said Thomas B. which he then had by purchase from the said Lord M. since the knowledging of the said Recognisance. And in as much as the said Lord M. at the time of the knowledging of the said Recognisance had and was seised in Fée simple, Fée taile, or for terme of life, as this defendant is credibly informed, and partly appeareth by the Schedule of the liuerie of the said Lord M. of and in the Manors of H. in the Countie of Essex, of the yearely value of C.li. or thereabouts, and of and in the Manors of F. and Modenhobery in the Countie of Hertford, of the yearely value of xl.li. or thereabouts, and of a certaine yearely rent of xxx.li. or thereabouts, going out of the Manor of Shobington in the Countie of Buckingham, and of diuers other Manors, Lands, Tenements and Hereditaments, in diuers other Counties of England, which ought to be contributory to the paiment of the said MCC. li. and therefore the same is vnduely and contrarie to Law charged vpon the said Manor of Swinton cum Worthing, which the said Thomas B. holdeth as a Feoffée, for which cause the said T. B. as this defendant suppoſeth hath pursued his Scire facias, against the said complainant in this honorable Court for the discharge of the said Manor of Swanton cum Worthing from the said due execution, and from the recouerie of the issues and profits comming and growing of the same Manor from the time of the said execution. For which cause this defendant humbly prayeth this honorable Court that the said complainant may be referred to the Common Law to bring his action against this defendant for the recouerie of the said rents due vpon such Leases and copie holds as this defendant holdeth of the said Manor of Swanton cum Worthing, wherein the validity of the said Extent may by tryed, so as this defendant may know to whom he may pay his said rents, without danger or further trouble. And this defendant is readie to stand to such order as this honorable Court shall award concerning the shewing vnto the said complainant

of

of his estate and terme which he hath of and in any part of the said Manor of Swanton cum Worthing or holdeth of the same and other circumstances thereof, without that that this defendant is farmor of customarie or free tenant of any other part or parcell of the said Manors, or other the premisses in the said Bill mentioned, or hath in his hands any Court rolls, rentalls, or leases concerning the premisses in the said Bill mentioned, other then as in this answer before is mentioned as in the said Bill of Complaint is untruely alleaged. And without that that this defendant hath unlawfully confederated with any the persons in the said Bill mentioned, to defeat the said complainant of his lawfull execution and estate in the premisses in the said Bill mentioned, as in the said Bill is falsely surmised. And the said Henry S. John for himselfe saith, that he hath and doth exercise the office of Bailife of the Manors of Hockering &c. in the said Bill mentioned, whereof this defendant supposeth Th. Lo. Esquire to be seised of some estate of inheritance, and hath in his hands certaine rentals of the said Manors, which rentalls this defendant thinketh he ought in dutie to keepe and use to the benefit and service of the said M. Lovell, and to imploy the same according to his direction, and not otherwise. And further this defendant saith, that he this defendant is farmer of certaine demesnes of the said Manor of Hockering whereof he holdeth some part for yeares, and some for life by lease made by the said Lord Mo. whose estate the said M. Lo. now hath of and in the same, yelding and paying thereof yearely xxx.li. or thereabouts, which rent this defendant thinketh is not paiable to the said complainant, for that the rents reserued upon leases made of any parcell of the extended premisses before the knowledging of the said Statut are not expressly extended nor deliuered to the said complainant in execution. But the said complainant hauing extended and receiued the premisses into execution as demesn in possession, is to stay & erspect til he may haue & enioy the same according to his extent, and the liuerie thereof made vnto him. And further this def. saith, that the said Manors of Hockering & Northtuddenham are & at the time of the awarding of the said execution were as the def. thinketh the inheritance of T. L. which he then had by purchase from the said L. Mo. since the knowledging of the said recognisance. And in asmuch as the said L. M. at the time of the said recognisance had & was seised in fee simple, fee taile, or for terme of life, as this def. is credibly informed, & partly appereth by the Schedule of the liuerie of the said L. M. of & in the Manors of Halingburie Morley, and Salcot Merley in the Countie of Esser of the yerely value of C.li. or therabouts, and of & in the Manors of Furner & Todenhebery in the county of Hertford of ỳ yerely value of xl.li. or therabouts, & a certain

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yerely rent of 30.li. or therabouts going out of the manor of Shobington in the County of Buckingham, and diuers other mannors, lands, tenements, and hereditaments in diuers other Counties of England which ought to be contributory to the paiment of the said 1200.li. and therefore the same is vnduely and contrary to Law charged vpon the said Mannors of Yockering, and Northtuddenham, which the saide Master Lo. holdeth as a Feoffee, for which reason the said Ma. Lo. as this defendant supposeth, hath pursued his Scire facias against the said complainant in this honorable Court for the discharge of the said manors of Yo. and N. from the said vndue execution, and for the recouerie of the said issues and profits, comming and growing of the same manors from the time of the said execution, for which cause this defendant humbly prayeth this honorable Court, that the said complainant may be referred to the Common lawe to bring his action against this defendant for the recouery of the said rents due vpon the said leases and estates which this defendant holdeth of the said mannors, wherein the validitie of the said extent and execution may be tried, so as the said defendant may know to whom to pay his said rent without danger or further trouble, and this defendant is ready to stand to such order as this honorable Court shal award concerning the shewing to the said Complainant of his estates and termes which hee hath of and in the said parcell of the demesnes of the said manor of Yo. or holdeth of the same and other circumstances thereof: without that, that this def. is farmer, Costomarie, or free tenant of any other part or parcel of the said manors or other the premisses in the said bill mentioned, or hath in his hand any Courtrols, Rentals, or Counterpanes of leases concerning the premisses in the said Bill mentioned, other then in his answer before is declared, as in the said Bill of complaint is vntruly alleaged. And without that, that the said defendant hath vnlawfully confederated with any the persons in the said bill mentioned, to defeat the said cõplainant of his lawfull execution and estate in the premisses in the said bill mentioned, as in the said bill of complaint is vntruely alleaged. And without that, that any other matter or thing in the said bill of complaint mentioned materiall or effectuall to be answered vnto, and not herein sufficiently answered, confessed, & auoyded, traversed, or denied, is to these defen. or any of their knowledges true. All which matters these defendants are ready to auer and prowe as this honorable Court shall award, and pray to be dismissed out of the same, with their reasonable costs and charges in this behalfe most wrongfully sustained.

A

A Bill into the Chauncery for detaining of euidences entring into a meadow and a pasture, and making to themselues diuers estates.

To the Reuerend Father in God, Thomas Bishop of Ely, Lord Chauncellor of England.

Sect. 151

IN most humble wise sheweth and complaineth vnto your good Lordship, your daily orator G. I. that where W. I. father vnto your said Orator was seised in his demesne as of fée of and in fifteen Acres of pasture and meadow with thappurtenances in Clare in the countie of Suffolke, and so being thereof seised died by protestation seised. After whose death the said fifteene acres of pasture and meadow, and all other the premisses with thappurtenances, descended & came, and of right ought to descend and come vnto your said orator as sonne and heire vnto the said W. I. So it is if may please your good Lord. ỹ certain euidences, déeds, charters, and other muniments concerning the premisses, are come to the hands and possession of M. G. widow, and A. G. who by colour of hauing the said euidences haue entred into the premisses, and haue conueied vnto them and their heires diuers and sundry estates in the law for the disherison of your said Orator, and of his heires for euer: And because your said orator knoweth not the certaintie of the said euidence, nor whether it be contained in bag or boxe sealed, or in chest locked, he is without remedie for the recouery of the same by the order of the cõmon law, except your L. fauor be vnto him shewed in this behalfe: In consideration whereof it may please your good L. the premisses considered, to grant a writ of Subpœna, to be directed to the said M. G. widow, and A. G. commaunding them by the same personally to appeare before your good L. in the kings high court of Chauncery at a certaine day, and vnder a certain pain by your good Lo. to be limited there to answere vnto the premisses, and after to abide such decrée and order therein as to your good L. shall be thought to stand with right and conscience: And your said orator shal daily pray for the preseruation of your Lordships honor long to endure.

The Answere of one of the defendants to the Bill next before, who pleadeth that the plaintifes Father solde the landes in the bill mentioned to T. M. who solde the same to the defendants husband, who conueyed the same to the defendant for her life. And sheweth, that at the time of the said purchase, and after, the premisses were in diuers Feoffees in vse, and sheweth afterwards

afterwards the making of the Statute of 27. Henry 8. for transferring of vſes into poſſeſſion.

The Anſwere of M. G. Widdow, to the Bill of Complaint of G.I.

THe ſaid defendant ſaith, that the ſaid Bill of Complaint is vn- Sect. 151
true, vncertaine, and inſufficient in the Law to be anſwered vnto, and the matters therein contayned determinable at the Common Law, and not in this honorable Court, whereunto the ſaid defendant prayeth to be diſmiſſed, and the aduantage thereof to the ſaid defendant alwaies ſaued, if ſhe ſhall be compelled to make any further anſwer vnto the ſaid inſufficient Bill. Then for the declaration of the trueth, the ſaid defendant ſaith, That as to any Paſture or Meadow in Clare, the ſaid defendant knoweth not that ſhe is tenant of, or hath any that was belonging to the ſaid W. I. within the ſaid Towne or Pariſh of Clare, or detaineth any euidence concerning the ſame to her knowledge: the ſaid defendant ſaith, the ſaid W. I. mentioned in the ſaid Bill of Complaint, But together with I. W. alias Piller, I. F. &c. were ſeiſed of and in ſeuen acres of Paſture and More, and three acres and one rode of Meadow in S. in their demeſne as of fee to the vſe of the ſaid W. I. and of his heires, and ſo being thereof ſeiſed, the ſaid W. I. bargained and ſold the Paſture, More, and Meadow laſt before remembred vnto one T. H. and to his heires for euer: By vertue of which bargaine the ſaid W. I. and his ſaid other Coſeoffees were thereof ſeiſed in their demeſne as of fee, to the vſe of the ſaid T. H. and of his heires, and after the ſaid W. I. dyed: and after whoſe death the ſaid I. W. &c. them held in by right of Surviuorſhip, and were thereof ſeiſed in their demeſne as of fee, to the ſaid vſe laſt remembred: and being ſo ſeiſed to the ſaid vſe, the ſaid T. H. bargained and ſold the ſaid Paſture, More, and Meadow to one W. G. gentleman, huſband of the ſaid defendant and to his heires: By vertue whereof the ſaid I. W. and other his ſaid Coſeoffees were ſeiſed of and in the ſame to the vſe of the ſaid W. G. and of his heires: And after for the further aſſurance thereof to the ſaid W. G. and his heires, the ſaid I. W. and the othere his Coſeoffees ſo being ſeiſed of and in all the premiſſes, did enfeoffe W. B. Eſquire, G. F. gentleman &c. of and in the ſaid Paſture, More, and Meadow: To haue and to hold the ſame to the ſaid W. B. &c. and their heires and aſſignes, to the onely vſe and behoſe of the ſaid W. G. and of his heires and aſſignes for euer: By vertue whereof the ſaid W. B. &c. were thereof ſeiſed in their demeſne as of fee, to the onely vſe of the ſaid W. G. and of his heires and aſſignes for

euer,

euer, and so were thereof seised vntill the fourth day of Februarie, in the seuen and twentieth yeare of the raigne of our Soueraigne Lord King Henry the eight. At which day the said W. G. was seised, of, and in the premisses in his demesne as of fée, and by vertue thereof the said W. G. and his assignes haue euer since enioyed the premisses peaceably and quietly without interruption, vntill now of late within these twelue monethes that the said complainant pretended title vnto the same. The estate of which W. G. of and in the premisses with their appurtenances the said defendant for terme of her life the reuersion ouer vnto A. G. gentleman by lawfull conueiance in the Law now hath: without that that anie thing materiall or trauerseable, other then that in this present answere is confessed and auoided, is true. All which matters the said defendant doth auerre, and is readie to prowe, as this honourable Court shall award, and prayeth to be dismissed out of the same, with her reasonable costs for her wrongfull veration sustained in this behalfe.

The Replication of the Complainant to the Answer of one of the Defendants (whose Answer is not here) wherein he confesseth the sale of of the said Lands by his father, as before in the Answer of one other of the Defendants is alleadged, but saith it was made vpon condition of redemption, the which condition the Vendor performed &c.

The Replication of G. I. to the Answer of A. G.

Sect. 153. The said Complainant saith, that his said Bill is certaine and sufficient in the Law to be answered vnto, and the matters therein contained are true, and not imagined of malice by the said Complainant, to the onely intent and purpose to put the said defendant to trouble, cost, and veration, in maner and forme as in the said answer is vntruely alleadged. And for replication vnto the said answer the said Complainant saith as he in his said Bill hath said, that the said W. I. father to the said Complainant was seised of the premisses in his demesne as of fée, in vse or in possession. And the said W. I. so being thereof seised by his deed indented bearing date the iiij. day of November, in the xxj. yeare of the late King Henry the eight, bargained and sold the premisses vnto the said T. H. his heires and assignes for euer, for the summe of fortie markes, whereof the said T. H. payed vnto the said W. H. twentie markes, and the other twentie markes to be payed vnto the said W. I. at the Feast of S. Nicholas, which was in the yere of

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our Lord God 1534. Neuertheleſſe, the ſaid T. H. couenanteth and graunteth by the ſaid Indenture, that if the ſaid W. I. his heires, executors, or aſſigns, at the ſaid feaſt of Saint Nicholas, or in the meane time before, did repay vnto the ſaid T. H. his heires, executors, and aſſignes, the ſaid twenty marks, that then the ſaid bargaine and ſale to be void & of none effect, as by the ſaid Indenture ready to be ſhewed more plainly doth and may appeare, by force whereof the ſaid W. I. and thother his cofeoffees, were ſeiſed of the premiſſes to the vſe of the ſaid T. H. and of his heires. And after the ſaid W. I. according to the ſaid Indenture, and before the ſaid feaſt of Saint Nicholas, did well and truely content and pay vnto the ſaid T. H. the ſaid ſum of twenty markes, by force whereof the ſaid W. I. and the other his cofeoffees were ſeiſed of the premiſſes in their demeſne as of fee to the vſe of the ſaid W. I. and of his heires: And the ſaid W. I. and the other his cofeoffees ſo being thereof ſeiſed, the ſaid W. I. died, after whoſe death the reſidue of the ſaid feoffees were ſeiſed of the premiſſes to the vſe of the ſaid complainant and of his heires vntill the fourth day of Februarie, in the 27. yeare of the late King Henry the eight, at which day the ſaid complainant was ſolely ſeiſed: And further auerreth all and euery thing contained in his ſaid bill to be true in manner and forme as he in his ſaid bill hath alleaged, without that the ſaid W. I. bargained and ſold the premiſſes vnto the ſaid T. H. and to his heires in ſuch manner and forme (without condition) as in the ſaid anſwere is vntruly alleaged: And without that that the ſaid T. H. did lawfully bargaine and ſell the premiſſes vnto the ſaid W. G. and to his heires: Or that the ſaid W. I. and his Cofeoffees were lawfully ſeiſed of the premiſſes to the vſe of the ſaid W. G. and of his heires: Or that the ſaid Feoffees did or might lawfully enfeoffe the ſaid W. B. and others named in the ſaid Anſwere to the vſe of the ſaid W. G. and of his heires: Or that the ſaid W. B. and the other his cofeoffees were lawfully ſeiſed of the premiſſes to the vſe of the ſaid W. G. and of his heires. Or that the ſaid W. G. at the ſaid fourth day of February, was lawfully and ſolely ſeiſed of the premiſſes in fee: Or did lawfully and peaceably enioy the premiſſes: Or that the ſaid M. G. mother of the ſaid defendant hath any lawfull eſtate from the ſaid W. in manner and forme as in the ſaid Anſwer is vntruly alleaged: And without that, that any other thing materiall in the ſaid Anſwer, which by this Replication is not ſufficiently confeſſed and auoided or trauerſed is true: All which matters he is ready to auerre &c.

A Bill

A Bil into the Chauncerie for a Commission vpon the Statute of 13. Eliz. cap. 7. entituled, An Act touching order for Bankrupts, and all the whole proceedings therein.

To the Right Honorable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

Sect. 154. HVmbly complaining, sheweth vnto your good Lordshippe your daily Orators L.B. of C. in the County of D. Clothier, W. P. of L. Grocer, R.G. Merchant, Subiects borne of this Realme of England, as well for themselues as for others, Subiects borne of the said Realme, and Denizens, Creditors of C.A. of L. Merchantailor, also a Subiect borne of the said Realme. That whereas the said C. A. vsing and exercising the trade of Merchandize, and seking his trade of liuing by buying and selling, vpon good & iust cause for wares and Merchandize to him sold and deliuered, and also for ready money to him lent, being indebted to your said Orators in seuerall summes of money, amounting to the value of CCC.li. And now of late, that is to say, in this present moneth of November, in the xv. yeare of the reigne of our soueraigne Lady the Queenes Maiest. about the second day of the said moneth of November, did beginne to keepe his house, situate in the said Citie of London, and sithence hath departed from his said dwelling house, and absented himselfe, to the intent to defraud and hinder your said Orators & other his Creditors of their iust debts and duties to them due and owing, and so is become a Bankrupt: by reason whereof, and for that the said Bankrupt and others his confederates haue deuised and contriued diuerse secrete estates and sinister practices for the conueying and estoining of the body of the said bankrupt, and of all lands, goods, debts, and other things belonging to the said Bankrupt, in such wise, as your Orators are without helpe for recouering or obtaining of their said iust debts and duties, but onely by complaint to your Lordship, and thereupon to haue remedy according to the Statute touching orders for Bankrupts, in the Parliament begun and holden at Westminster the second day of Aprill, in the xiij. yeare of the reigne of our said soueraigne Lady the Queenes Maiestie made and prouided. In consideration thereof, may it please your good Lordshippe to grant the M. maiesties most gracious Commission to bee directed to such and so many wise and honest discreete persons as to your L. shall seeme good: Authorising them not onely concerning the said Bankrupts body, Lands, Freehold, and Customarie, goods, debts, and other things whatsoeuer, but also concerning

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all other perſons which by concealement, claime or otherwiſe doe or ſhall offend touching the premiſſes, or any part thereof, contrary to the intent and true meaning of the ſaid Statute, to do and execute all and euery thing and things whatſoeuer, aſwell towards & for ſatiſfaction and payment of your ſaid Orators, as towards and for al other intents and purpoſes, according to the ordinance and prouiſion of the ſaid ſtatute: And your ſaid Orators ſhall dayly pray &c.

The Commiſſion vpon the Statute of 13. Elizabeth. Cap. 7. made againſt Bankerupts and granted to the Creditors vpon the Bill next before.

ELizabeth by the grace of God Quéen of England, France and Ireland, defendor of the faith &c. To our truſtie and welbeloued Sir Rowland Heyward Knight, John Langley Alderman of our Citie of London, Thomas Hatton, Thomas Alderſey, Thomas Egerton Mercers, and William Wignall Merchant Taylor of our ſaid Citie of London, greeting. Whereas we be enformed, that C. A. of London Merchant Taylor vſing and exerciſing the trade of merchandiſe by way of bargaining, and ſéeking his trade of liuing by buying and ſelling, and being a ſubiect borne of this our Realme of England, in this preſent moneth of Nouember, in the fiftéenth yeare of our Raigne, viz. about the ſecond day of the ſame moneth, did begin to kéepe his houſe ſcituate in London aforeſaid, and ſithence hath departed from his ſaid dwelling houſe, and abſented himſelfe, to the intent to defraud and hinder T. B. of C. in the Countie of Deuonſhire Clothier, W. P. of London Grocer, Ri. G. Merchant, and others his creditors, being alſo ſubiects borne of this our ſaid Realme, of their iuſt debts and duties to them due and owing, and ſo is become a Bankerupt, We minding the due execution of the Statute touching orders for Bankerupts in our Parliament holden at Weſtminſter, in the thirtéenth yere of our Raigne, made and prouided, vpon truſt of your wiſdomes, diligence, and prudent circumſpections, which we haue conceiued in you, doe by theſe preſents name, aſſigne, appoint, conſtitute, and ordaine you our ſpeciall Commiſſioners, giuing full power and authoritie vnto you, fiue or foure of you, whereof they the ſaid Sir Row. H. I. L. or T. H. to be one, according to the ſaid ſtatute, not onely concerning the ſaid Bankerupt, his body, lands, freehold, and cuſtomarie goodes, debts, and other things whatſoeuer, but alſo concerning all other perſons, which by concealement, claime, or otherwiſe doe or ſhall offend touching the premiſſes, or any part thereof, contrarie to the intent and true meaning of the ſaid Statute, to doe and execute according to the

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said Statute all and every thing and things whatsoeuer as well for and towards satisfaction & payment of the said creditors, as towards and for all other intents and purposes, according to the ordinance and prouision of the said Statute: Willing and commanding you, fiue or foure of you, whereof Sir Rob. H. I. L. or T. H. to be one, to proceed to the execution and accomplishment of this our Commission, according to the true intent and meaning of the said Statute with all diligence and effect, as our speciall trust is in you: Witnesse our selues at Westminster the fifth day of November, in the fifteenth yeare of our Raigne.

A precept from the said Commissioners, to the Officers, to make Proclamation according to the said Statute against Bankerupts, that the said Bankrupt before a day certaine come in and yeeld his body to the Commissioners or to one of them.

To the Bailises and head officers of the Borough of Southwarke.

Sect. 156 WE the Commissioners hereafter named by vertue of the Maiesties Highnesse Commission, to vs directed, require and charge you fiue sundry market daies, next ensuing the receit hereof, to make fiue sundry Proclamations in maner and forme hereunder specified.

The Proclamation.

Sect. 156. THe Maiesties highnes doth strictly charge & command C. A. Merchant Taylor of the citie of London, that he at or before the day of next comming in the Guildhall of London, or where you shal appoint, yeeld his body before Sir Rob. Heyward Knight, or before some one of the said Commissioners appointed by her highnes vnder her great seale of England, till the due execution of the stat. touching orders for Bankrupts lately made and prouided, vpon paine and perill of the penaltie of the law in that case limited and appointed.

An Indenture vpon the said Commission and Statute of Bankerupts betwixt Commissioners of the one partie, & the Creditors of the other party, whereby the Commissioners after view, search and presentment made, sell certaine of the goods of the debtors vnto the creditors in part of satisfaction of their debts, with a Schedule annexed vnto the said Indenture which is likewise indented, wherein are conteined the particulars of the goods with their seuerall prices, as they are prized by the Commissioners, to the one of which Indentures is put to the hands and seales of the said Commissioners, and to the other of the said Indentures the hands of the Creditors.

Bills

THis Indenture made &c. Betweene Sir R. H. knight. A. B. C. D. E. F. of the one party, and G. H. and I. K. creditors of C. A. Citizen and Merchant taylor of London on the other party, witnesseth, That where our said Soueraigne Lady the Quenes Maiestie that now is, by her Highnesse letters of Commission, bearing date at Westminster the fifth day of November last past, before the date hereof, minding the due execution of the statute touching orders of banckrupts in her Parliament holden at Westminster in the thirteenth yeare of her Highnesse said raigne made and prouided, reciting, that whereas her Maiestie was informed, that C. A. of London Merchant Taylor, vsing and exercising the trade of Merchandize by way of bargaining, and seeking his trade of liuing by buying and selling (and being a subiect borne of this her Realme of England) in the said moneth of November, in the fifteenth yeare of her Maiesties Raigne, that is to say, about the second day of the said Moneth, did beginne to keepe his house, situate in London aforesaid, and sithence hath departed from his said dwelling house, and absented himselfe, to the intent to defraud and hinder his creditors, being also Subiects borne of this her said Realme of England of their iust debts and duties to them due and owing, and so is become a Bankrupt, hath assigned, appointed, constituted, and ordained the said R. H. &c. her especiall Commissioners, giuing full power and authoritie vnto them, fiue or foure of them, whereof the said Sir R. H. to be one, according to the said Statute, not onely concerning the said Bankrupt his bodie, lands, freehold and customarie goods, debts, and all other things whatsoeuer, but also concerning all other persons which by concealement, claime or otherwise doe or shall offend touching the premisses, or any part thereof, contrarie to the intent and true meaning of the said Statute, to doe and execute according to the said Statute, all and euery thing and things whatsoeuer, as well towards and for satisfaction and payment of the said creditors, as towards and for all other intents and purposes, according to the order and prouision of the said Statute in that case prouided, as by the same commission more plainely it doth and may appeare: By force and vertue of which said Statute, and of the said Commission, the said Commissioners haue caused certaine goods, chattels, wares and merchandizes of the said C. A. contained and mentioned in a Schedule indented to these presents annexed, to be searched, viewed and apprized: And also haue solde and deliuered, and by these presents doe sell and deliuer vnto the creditors aforenamed, all the said goods, Chattels, Wares, and Merchandizes, contained and mentioned in the same Schedule indented, to these presents annexed. To haue and

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to hold the same and euer part thereof to the said creditors before named, their executors, administrators and assignes, to their own proper vses for euer towards the satisfaction and payment of the said creditors, that is to say, to euery of the forenamed creditors a portion, rate and ratelike, according to the quantity of the debts: In witnesse whereof, the said parties to these Indentures interchangeably haue set to their Seales. Yeuen the day and yere first above written.

The intituling of the Shedule mentioned in the Indenture next before written, and annexed to the same Indenture.

Sect. 159. IN this Shedule indented is contained and mentioned certaine goods, wares, cattels, and merchandize late of T. A. Merchant taylor, which be sold by the Indentures, whereunto this Shedule indented, is annexed, that is to say, in his house in L. in the Parish of G. in London. *Imprimis &c.*

A Bill into the Chancery against one, by a prisoner in the Fleet, to compell the defendant to proceed in an agreement made betwixt the plaintif and the defendant for his enlargement, by the order of the Lord Chancellor then dead.

To the right reuerend Father in God, Nicholas Archbishop of Yorke, and Lord Chancellor of England.

Sect. 160. MOst humbly complaining, sheweth vnto your Grace, your daily and poore Orator W. P. of P. in the Countie of Chester Gentleman, now being prisoner in the Fleete, at the suite of R. W. of the same County Esquire, committed thereunto by the late reuerend Father in God the Bishop of Ely, being then Lord Chancellor of England, of, and vpon a Statute of 200. li. which suite of the said R. W. hath thus remained the space of eight or nine yeeres, to the great miserie and vtter vndoing of your Graces said Orator. And where diuers agreements, with other diuers meanes haue beene taken and made betweene the said R. W. and your said Orator, and especially the last day of May, in the last yeere of our said Soueraigne Lord King Edward, before Doctor Lyell, and Master Dyer, appointed then by the said late Lord Chancellor, where it was agreed betweene the said R. W. and your Graces said Orator, that your said Orator should be bound in a thousand pounds, that he should not alienate nor sell any parcell of his lands, now being in his possession, or to him in reuersion: And all such lands that were sold by your said Orator, that your said Orator should endeuour with all diligence to recouer the same againe: And furthermore it was agreed and ordered betweene the said R. W. & your said Orator, that your said Orator should put in sureties to

to pay vnto the said R. D. 50. li. of lawfull money of England, that is to say, 5. li. yearely during ten yeares next ensuing: All which orders and agreements your Graces said Orator is contented to accomplish and fulfil: Yet notwithstanding the said R. D. minding rather the continuance of your said Graces orator in prison to his vndoing, will neither obey the late Ho. Lord Chancellors order then made therein, nor yet the agreements heretofore made, but onely doth finde delaies to prolong the time, to the vtter vndoing of you Graces orator. In consideration whereof the premisses tenderly cõsidered, it may please your Grace to command the said R. D. to appeare before your Grace, and to take such order with him as shall seeme best to your Grace. And your said orator shall pray for your Grace long to continue.

A Bill into the Chancerie by the Husband and Wife, for and on the behalfe of diuers to compell executors to pay legacies, wherein is shewed, that they to whom the legacies be giuen, haue no remedie by the Ecclesiasticall Law to compell the then executors to pay the said legacies.

To the right Honourable Sir Nicholas Bacon Knight, Lord Keeper of the great of Seale of England.

IN most humble wise complaining, sheweth vnto your Honours good Lordship your daily Orators A. T. Esquire, and Katherine his wife, late wife vnto one R. B. deceased, and one of the daughters of William W. of B. in the Countie of Warwicke Esquire deceased, for, and in the behalfe of William C. sonne of the said Katherine, and for and in the behalfe of Mary T. and E. T. daughters of the said A. and Katherine, and of W. G. sonne of Edward G. Knight, of the body of Margaret G. one other of the daughters of the forenamed W. W. lawfully begotten, Edward M. and Anne his wife, one of the daughters of the aforenamed Edward G. and Margaret, and Thomas M. and Elizabeth his wife, one other of the daughters of the said Sir Ed. and Margaret. That whereas the aforesaid William W. in his life time had issue seuen daughters, that is to say, Margerie late wife of Tho. H. Esquire, and after that wife to the Ho. Sir C. A. knight, one of the Quenes most honourable priuie Councell, and now Chancellor of her Highnesse Duchie of Lancaster, Godith wife to B. F. Esquire, Elizabeth, late wife of Edward B. Esquire deceased, Mary wife of William S. Esquire, Margaret wife of the said Sir Edward G. Anne, wife of Frauncis Mo. Esquire, and Katherine, one of your said Orators. And whereas also the said W. W. in his life time was possessed of and in diuers goods and chattels, houshold stuffe, Sect. 163

plate, iewels, and also entituled to certaine debts amounting to the valne of 10000. li. or thereabouts, and so being thereof possessed and entituled, did constitute and make his Testament and last Will, and by the same did bequeath, giue, and deuise to diuers & sundry persons diuers great legacies particularly and certainely set forth in the said last Will, amounting in the whole to the summe and valne of 3500. li. or therabouts: And the residue of all his goods, chattels, & debts due vnto him after his funerall expences performed, his debts paide, and all his legacies and bequests particularly conteined and mentioned in his said Will, fulfilled, performed and paid, he the said W. W. by his said Testament and last Will did giue & bequeath to the preferment of all the children comming of his said two eldest daughters, and to W. C. Mary L. and Katherine L. three of the children of the said Katherine, now wife of the said Anthony L. yongest daughter of the said W. W. to be equally diuided amongst them by discretion of his executors: And by the same his Testament and last Will he did ordaine, nominate, and make the said honourable Sir A. C. knight, Sir Edw. G. knight, now deceased, Basil F. and W. S. Esquires, and one W. B. Esquire deceased, his executors, as by the same his Testament and last Will more at large it doth and may appeare: And afterwards, in the moneth of May, in the second and third yeares of K. Philip and the late Qu. Mary, he the said W. W. died possessed of the said goods, chattels, and debts, amounting to about the summe or valne of 10000. li. After whose decease, the said executors did take, administer, and agree to the said Testament, which speciall legacies aforesaid, either be, or might haue beene by the said executors long sithence fulfilled, satisfied, and paid, so as the residue should and ought to come to the said children, according to the said will. And although your said Orators haue diuers and sundry times required the said executors to make payment of so much of the residue of the said goods, chattels, and debts, as to them appertained, yet that to doe, they and euery of them haue hitherto refused and denied, contrarie to right, equitie, and good conscience. In consideration whereof, and forasmuch as your said Orators cannot certainly tell and declare the seuerall parcels of the said goods, chattels, and debts, nor what the said executors haue paid or receiued for any manor of debts owing by or to the said W. W. by reason whereof, they are vnable to prosecute for their remedy in the premisses at and by the the order of the Ecclesiasticall lawes of this Realme. May it therefore please your good L. to grant the Qu. Maieslies writ of Subpena, to be directed to the said executors, &c. commanding &c.

A Bill conteining that a lease of a rectory, and the buildings, glebe lands, and Tythes was made by the Deane and Chapter of a Colledge in Oxford, to the plaintifes Father for tearme of yeares reserving a rent: And that the same by force of the said lease was long possessed. That the said lease came to the plaintife by meane conueyance, and that continuing the tearme, the defendant suggesting to the said Deane and Chapter that the said Rectorie and Tithes were occupied by the plaintife without lease or title, having a purpose to conceale and defraud the said Colledge of the said Rectorie and Tithes, became a suitor to the now Deane and Chapter to haue a lease of the said Rectorie and Tithes for 21. yeres, and thereupon obteined a lease thereof for 21. yeres, yeelding for it the accustomed rent, with an augmentation of rent cerne. That the defendant hauing obteined a lease of the said Rectorie and Tithes for 21. yeres, sued the plaintife for the same in the Exchequer at West. in a Quo minus, and that he did interrupt the plaintifes possession: And then the plaintife prayeth an Iniunction for stay of the said suit, and for the establishing of his possession and proces against the defendant and the Deane and Chapter to answer the Bill.

To the right Honourable Sir Ioh. Puckering Knight, Lord Keeper of the great Seale of England.

IN most humble wise complaining, sheweth vnto your good Lordship your daily Orator T.B. of N. in the Countie of C. Esquire, That whereas the Dean and Chapter of Christs Church in the Vniuersitie of Oxford, were seised in their demesne, as of fee, in the right of their said Church, of and in the Rectorie and Parsonage of R. with the appurtenances in the said county of C. being a Parsonage impropriate, and being so thereof seised by their deede indented sealed with their common Seale (the certaine date whereof to your said Orator is vnknowne for want of hauing the same) did for the considerations in the said Indenture specified, demise, grant, and to farme let all the said Rectorie and Parsonage of R. with the appurtenances, and all maner of houses, barnes, glebe lands, tithes, fruits, profits, & aduantages whatsoeuer to the same Rectorie and personage belonging or in any wise appertaining vnto one R.B. late of N. in the said Comtie of C. Esquire deceased, father vnto your said Orator for a number of yeares yet ering, reserving thereby a great annuall rent (the tithes of the vicarage of R. aforesaid, and the patronage and disposition thereof, and all the woods and timber trees of the said parsonage allwaies excepted & foreprised out of the said lease) which said estate, interest, & terme of yeres of him the said R.B. of & in the said Rectory, your Lo. said Orator by good Sect. 162.

and ſufficient conueyance and aſſurance in the Law now hath, by vertue of which ſaid leaſe, as well the ſaid R. B. in this life time, as alſo your ſaid Orator ſince the death of the ſaid R. haue by the ſpace of many yeres together bene lawfully poſſeſſed of the ſaid rectorie, and haue yerely from time time ſince the making of the ſaid leaſe, quietly and peaceably receiued, leuied, taken, and enioyed in their ſeuerall times all the iſſues, commodities, and profits thereof, to their owne proper vſe & behoofes, without the diſturbance, let, or interruption of any perſon or perſons whatſoeuer, vntill now of late. So it is if may pleaſe your good Lordſhip, that one I. D. of D. in the ſaid county of C. Eſquire, hauing by ſome caſuall meanes gotten into his hands and cuſtodie the ſaid Indenture of leaſe made to the ſaid R. B. of the ſaid Rectorie by the ſaid Deane and Chapter, as aforeſaid, and diuers other writings and meane conueiances concerning the ſame of right belonging to your ſaid Orator, became an earneſt ſuitor vnto William I. Doctor of Diuinitie, Deane of Chriſts Church in Oxford aforeſaid, R. P. L. M. &c. being the Chapter of the ſame Church, to procure a leaſe vnto him the ſaid I. D. from the ſaid Deane and Chapter of the Tithes of the ſeuerall Townſhips, Hamlets, and places of P. &c. which ſaid Townſhips, Hamlets, and places are ſcituate, lying, and being within the limits and precincts of the ſaid Rectorie formerly demiſed to the ſaid R. B. as aforeſaid, the ſaid I. D. vntruly ſuggeſting vnto the ſaid Deane and Chapter, that the tithes of thoſe ſeuerall Townſhippes were concealed from the ſaid Deane and Chapter. And that they had no rent or reuenue at all to them therefore anſwered or paid by your ſaid Orator, nor by any other perſon or perſons, vnto which ſaid ſuite and accompliſhment thereof, the ſaid Deane and Chapper, as your Orator hath bene credibly informed, would not of long time conſent, vpon ſuſpition by them conceiued, that the ſaid I. D. had ſome purpoſe or intent to procure from them a leaſe of ſome ſuch Hamlets and Townſhips as were formerly demiſed to the ſaid R. B. by the generall name of the Rectorie of R. wherein the ſaid ſeuerall townſhips were included, whereby the ſaid I. D. might impeach and call in queſtion the validitie of the ſaid leaſe made to the ſaid R. B. And thereupon the ſaid Deane and Chapter did affirme and declare to the ſaid I. D. that they would not demiſe or grant vnto him the ſaid I. D. any thing that was comprized in the ſaid leaſe made to the ſaid R. B. mentioned or intended to be demiſed vnto him the ſaid R. B. in or by the ſame, vnto whom the ſaid I. D. made anſwere, that the ſaid tithes of the ſaid ſeuerall Townſhips and Hamlets before mentioned, were not at all demiſed by the ſaid Deane and Chapter to the ſaid R. B. and that his purpoſe was not to challenge any thing by demiſe

from

from them which was formerly letten to the ſaid R.B. but onely ſuch things that were concealed from the ſaid Deane and Chapter, for for which he would yearely anſwer and pay vnto the ſaid Deane and Chapter the old accuſtomed rent, with an augmentation of a yearely reuenue of corne, according to the forme of the Statute in ſuch caſes prouided. Whereupon the ſaid Deane and Chapter giuing credit to the ſaid I.D. and willing to recontinue ſuch things as the ſaid I.D affirmed to be wrongfully concealed and deteined from them, and thereby to increaſe their yerely reuenue, and hauing withall a great reſpect not to preiudice your ſaid Orator by any leaſe they ſhould make to the ſaid I.D. nor to leaſe any thing demiſed to the ſaid R.B. did at the importunate ſuit of the ſaid D. in July, in the xxiij. yeare of the raigne of our gracious Soueraigne Lady the Quenes Maieſtie that now is by their Indenture ſealed with their common ſeale, demiſe, and to farme let to the ſaid I.D. all their tithes, of what nature, kinde, or qualitie ſoeuer of the ſaid ſeuerall townſhips and hamlets before mentioned, the ſame being within the ſaid precinct of the ſaid rectorie of R. as aforeſaid from the Feaſt of Saint John the Baptiſt laſt paſt before the date of the ſaid Indenture vnto the ende and terme of xxi. yeares. The ſaid Deane and Chapter then verely ſuppoſing that none of the tithes of the ſaid townſhips were included or compriſed in the ſaid leaſe of the ſaid rectorie of R. made to the ſaid R.B. but that the ſame were other things exempted out of the ſaid leaſe, and concealed and wrongfull detained from the ſaid Deane and Chapter, and not within the limits and bounds of the ſaid rectorie. By colour of wich ſaid leaſe procured by the ſaid I.D. by ſuch practiſe and meanes as aforeſaid, and by hauing in his handes the ſaid Indenture of leaſe made to the ſaid R.B. of right belonging to your ſaid Orator, the ſaid I.D. hath of late not onely many waies interrupted your ſaid Orators poſſeſſion of and in the tithes of the ſaid townſhips and hamlets, but hath alſo thereupon attempted ſuite in her Maieſties Court of Exchequer at Weſtminſter by writ of Quo minus againſt your ſaid Orator for the taking and carrying away of diuers parcels of the ſaid tithes growing and renuing within the ſaid ſeuerall townſhips and hamlets. And albeit your ſaid Orator hath diuers and ſundry times in gentle maner required the ſaid I.D. not onely to deliuer vnto your ſaid Orator the ſaid Indenture of leaſe ſo made to the ſaid R.B together with the ſaid other writings and meane conueyances of right belonging to your ſaid Orator, but alſo quietly to permit and ſuffer your ſaid Orator to haue and inioy the premiſſes according to right, equitie, and conſcience: Yet that to doe the ſaid I.D. hath alwaies denied and refuſed, and yet doth denie and refuſe, challenging the ſame by vertue of the

ſaid.

ſaid ſuppoſed leaſe made to him by the ſaid Deane and Chapter contrarie to all equitie and good conſcience. In tender conſideration whereof, and for as much as your ſaid Orator knoweth not the certaine date and contents of the ſaid leaſe made to the ſaid R.B. and of the meane conueyances aforeſaid, nor wherin the ſame be conteined, whereby your ſaid Orator is remedileſſe for the recouery of the ſame, by the order of the common law. Neither is he able to plead the ſaid leaſe in certaintie at the common law, whereby he ſhall iuſtifie his right and title to the ſaid tithes by him lawfully taken as aforeſaid. And for that the ſaid Deane and Chapter were ſo abuſed by the inſinuations & vntrue pretences of the ſaid I.D. and had no purpoſe at all to impeach the ſaid leaſe made to the ſaid R.B. nor your ſaid orator his title to the ſaid tithes and other the premiſſes clamed by vertue of the ſame, nor yet to demiſe or grant any thing to the ſaid I.D. that was compriſed, or intented to be demiſed in and by the ſaid Indenture of leaſe made to the ſaid R.B. May it therefore pleaſe your good Lordſhip, the premiſſes tenderly conſidered, to grant vnto your ſaid orator her Maieſties moſt gracious writ of Subpœna to be directed to the ſaid William I. Deane of Chriſts Church aforeſaid, and to the ſaid R.P. T.T. &c. and to the ſaid I.D. who is vſually reſident within the Citie of London, commanding them and euery of them thereby vnder a paine therein to be limited, to appeare before your Lordſhip in her Maieſties high court of Chancerie, immediately then and there to anſwere the premiſſes: and alſo to grant vnto your ſaid Orator her Maieſties moſt gracious writ of Iniunction for the eſtabliſhing of your ſaid Orators poſſeſſion, of and in the ſaid Rectorie, and other the premiſſes, and for the ſtay of all actions commenced, or to be commenced againſt your ſaid Orator at the common Law vpon or by colour or pretence of the ſaid leaſe ſo vnduly procured by the ſaid I.D. from the ſaid Deane and Chapter, and further to ſtand to and abide ſuch order herein, as to your Lordſhip ſhall ſeeme to ſtand with iuſtice and equitie. And your ſaid orator ſhall daily pray for your Lordſhip in all honour and happineſſe long to continue.

T.B.

E.C.

R.C.

The

The Answere of I. D. Esquire one of the defendants, to the untrue Bill of complaint of T. B. Esquire complainant.

THe said defendant saith, that the said Bil of complaint is very vn- Sect. 163
true, vncertaine, and insufficient in the Law to be answered vnto, not containing any sufficient matter or iust cause of suit against this defendant, but onely deuised and contriued by the complainant, to put him as it seemeth to wrongfull veration, costs, charges and expences in the law without any iust cause of suit, whereof this def. doth demand iudgement of this ho. court, and praieth to be dismissed out of the same. Neuertheless, if this def. shall be compelled to make any farther answer to the said bill of complaint, saith, that he vnderstanding the said lease for yeares mentioned in the said bill of complaint made to the said R. B, father of the said compl. to be a meere void lease, and of no force and validitie in the law, for that the same lease was not demised by the Deane & Chapter, but by the Deane, with the assent & consent of the Chapter, procured diuers letters of sundrie hon. persons to the said Deane and Chapter of Christ Church of Oxenford named in that said bill of complaint in this def. behalfe and fauour for the obtaining of a lease for yeares of the said Deane and Chapter, the which said Deane and Chapter at the request and contempl. of those letters by their Indenture vnder their Chapter Seale, did amongst other things demise and to farme let vnto this def. all that their tithe corne and graine, comming renuing and yerely growing in the Townships or Townes and fields mentioned in the said bill of complaint for the terme of xxj. yeres, by vertue of which demise to him made, this def. taketh himselfe lawfully interessed and intituled in and to the said tithes demised vnto him, and because this def. meant to proceede in a plaine vpright and lawfull course in Lawe against the said compl. for the triall of the validitie of his said pretended lease brought his action in the court of Exchequer by way of Quo minus against the said complainãt and others, and as it seemeth now to this defendant the said complainant perceiuing the weakenesse and invaliditie of his owne title vpon fained and vntrue surmises hath exhibited the said bil of compl. into this ho. court, to vexe & trouble this def. and the other defendants named in the said bill of compl. to maintaine and continue his wrongfull possession by a void lease, and of no validitie in law, as to your L. for the cause aforesaid may appeare, which said lease the said complainant to the great preiudice and hinderance of the said Colledge and Students thereof, laboureth and seeketh to enioy, being void in Law, and which lease if it were a good lease should endure and continue for many moe yeares

then

then the leaſe made to this defendant, and would bee leſſe in yearely rent and benefit of the ſaid Colledge then this defendants leaſe will be, reſpect being had to the things demiſed: And therefore as this defendant thinketh the ſaid complainant is not to be relieued by any equitie, or maintained in poſſeſſion vpon a meere void leaſe in law, ſince that by colour of the ſaid voide leaſe the ſaid complainant & his father haue receiued ſo great a profit for many yeres paſt: without that, that the defendant hath by any caſuall meanes gotten into his handes and cuſtodie the ſaid Indenture of leaſe made to the ſaid R. B. of the ſaid rectory by the ſaid Deane and Chapter, and diuers other writings and meane conueiances concerning the ſame of right belonging to the ſaid complainant, as moſt vntruely by the ſaid Bill of complaint is alleaged, for that he ſaith, that he neuer had the ſaid ſuppoſed leaſe, nor any meane conueyance thereof, or that the ſaid Deane and Chapter euer at any time made any ſuch leaſe to the ſaid R. B. father of the ſaid complainant as the ſaid complainant ſurmiſeth, but ſuch a leaſe as in this defendants anſwere is before alleadged, or that the defendant vntruly ſuggeſting vnto the ſaid Deane and Chapter the other defendants in the ſaid bill of complaint, that the tithes in the ſaid ſeuerall townſhippes mentioned in the ſaid Bill of complaint were concealed from the ſaid Deane and Chapter, and that they had no rent or reuenue at all to them therefore anſwered or paide by the ſaid complainant, nor by any other perſon or perſons, as moſt vntruely is alleaged and ſurmiſed by the ſaid bill of complaint, or that the ſaid Deane and Chapter did affirme and declare to this defendant, that they would not demiſe or grant vnto him this defendant any thing that was comprized in the ſaid leaſe made to the ſaid R. B. or that was mentioned or intended to be demiſed to him in the ſaid R. in or by the ſame leaſe. Or that vpon any ſuch affirmation this defendant made anſwere, that the tithes of the ſaid ſeuerall townſhips mentioned in the ſaid bil of complaint, were not demiſed by the ſaid Deane and Chapter to the ſaid R. B. And without that, that this def. alleadged that his purpoſe was not to challenge any thing by demiſe from them, which was formerly letten to the ſaid R. B. but only ſuch things as were concealed from the ſaid Deane and Chapter as moſt vntruly is alledged by the ſaid bill of complaint, but he ſaith that he affirmed if he might haue a leaſe made to him he would yeeld an increaſe of rent of corne according to the forme of the Statutes in ſuch caſes prouided. And further this defendant ſaith, as before he hath ſaid, that he being informed that the leaſe made to the ſaid R. B. to bee a voide leaſe, became an earneſt ſuitor by the meanes aforeſaid for a leaſe of the ſame things that were pretended to be demiſed to the ſaid R. B. and enformed the ſaid Deane and

Chapter,

Chapter, that they might, and that they had power in them to demise the same. And this def. further saith, that there was included in the said supposed lease made to the said R. B. all the things that he demised to this defendant, and if this defendant should not have meant to have had in lease from the Deane and Chapter the things supposed to be demised to the said R. B. and to enioy the same, then should he have had by his lease no benefit, and should vainly have procured such honorable friendship: And therefore he saith, that the same allegation suggested in the said Bill of complaint, that this defendant meant not, or that his purpose was not to challenge any thing by demise from the said Deane & Chapter, that was in them formerly demised to the said R. B. is most untruely alleaged against all probability of reason, when as he well did know, & the Deane and Chapter also might understand that the whole Rectory, except the Vicarage was in them demised, and the tithes of the said Townships included in the said supposed demise, and therefore saith, that the said Deane and Chapter at the contemplation & request of the said letters, made a lease of the said tithes to this defendant, and to manifest their good intention and meaning towards this defendant for the enioying thereof, the said Deane & Chapter gaue this defendant a Transcript of the Counterpane of the said supposed lease under their Chapter seale, & besides this def. had a rentall deliuered in writing to him, expressing or containing the rents of the townships mentioned in the said bill of complaint. And this defendant saith, that his meaning was euer to have and enioy the benefite of the said demise, and of the things therein contained, and so he taketh it, the said Deane and Chapter so meant and understood the same, being persons of so great learning, iudgement and discretion, that they would not grant the same things, and meane contrary to their owne demise: And without that, the said Deane and Chapter then verily supposing that none of the tithes of the said townships were included or comprised in the said lease of the said Rectorie of R. made to the said R. B. but the same were other things excepted out of the said lease, and concealed, and wrongfully detained from the said Deane and Chapter, and not within the bounds and limits of the said Rectorie, as most untruly and vainely it is alleaged by the said bill of complaint, without either reason, or probability of reason, as that the same demise made to this defendant was made vpon any such fained and untrue allegation: For he saith, that such an oversight may not be without any treason imputed to the said Deane and Chapter, being men of learning and iudgement, that they should suppose none of the tithes of the said townships were included in the said lease of the Rectory of R. made to the said R. B. but other things excepted and concealed, and not within

the:

the limits and bounds of the said Rectory, when as the said Deane and Chapter by the said rentall may appeare, that the towns mentioned in the said bill, are parcell of the Rectorie of R. and the tithes in the same towne demised to this defendant. And the said defendant further saith, that hee hath not had or euer had in his hands the said Indenture of lease made to the said R. B. nor by colour of hauing thereof, hath attempted any suite, but began his suite by reason of his own lease made to him, which he taketh is lawfull for him to doe. And without that, that there is any other matter or thing, touching this defendant, materiall, or effectuall to be answered vnto, and not herein confessed and auoided, traversed or denied, is true: All which matters this defendant is ready to auerre and prooue as this ho. Court shall award; and prayeth to be dismissed out of this ho. Court, with allowance of his costs and charges, &c. W. D.

The ioynt and seuerall answers of W. I. Doctor of Diuinitie, Deane of the Cathedrall Church of Christ in Oxford, of King Henry the eights foundation, R. P. A. W. T. T. &c. Prebendaries of the Cathedrall Church, defendants to the Bill of complaint of T. B. Esquire complainant.

Sect. 164. THe said defendants all aduantages of exception to the incertainty and insufficiencie of the said bill of complaint being to them these def. now, and at all times hereafter saued, for direct answere thereunto, so far forth as concerneth the knowledge of them these defendants materiall for them to answere vnto, say as followeth, that is to say, that heretofore I. D. in the said bill of complaint named, was an earnest suitor to the said defendant W. I. & to the Chapter of the said Cathedrall Church, for the obtaining & getting of a lease of al their the said Deane and Chapters tithe barne in P. in the county of C. and of al their tithe corne and grain, comming, renuing, and yerely growing in the towns and fields of P. aforesaid, P. &c. in the said County of Chester, and of the tithe corne, graffe, pigge and goose of L. in the said County of Chester, and of the tithe hay and graffe of P. S. and R. aforesaid. And for the better obtaining of his said suite, the the said I. D. obtained and procured seuerall letters from diuers great and honorable persons of this Realme, directed to the said Deane and Chapter of the said Cathedrall Church, whereby the said Deane and Chapter were earnestly moued to grant and yeld to the said requests of the said I. D. At the which time the said I. D. did affirme vnto the defendants, or to the greater part of them, that in the premisses so by him the said I. D. required to be to him demised, there was then no lawfull estate continuing, but vsurped by such occupiers as had no right vnto them, & who vouchsafed not to keep vp the Church for them, nor to offer any good offices to

them,

them and that contrariuiſe himſelfe would reuoke thoſe things to a more profitable reuenue to their Church, or vſed other words & ſpeches to the like effect, by reaſon whereof, theſe def. or the greater part of them the better to ſatiſfie their duties toward the ſaid hon. perſons in a ſuit ſo reaſonable, and tending to the benefit of their Church, did by Indenture vnder their Chapter ſeale bearing date the 22. of Decemb. in the 35. yeare of the Raigne of our Soueraigne Lady the Queenes Maieſty that now is, demiſe, grant, & to farme let the ſaid tithe barne and other the premiſſes to the ſaid I.D. To haue and to hold to him, his executors, adminiſtrators, and aſſignes, from the feaſt of S. Tho. the Apoſtle laſt paſt before the date of the ſaid Indenture vnto the end and terme of 21. yeares, thence next following fully to be complet and ended, as they thinke they might lawfully doe, they then not knowing any lawfull leaſe to be in being of the premiſſes, and yet to the end and intent that no perſon hauing any lawfull intereſt in the premiſes, or in any part thereof for terme of 3. yeres or more (if any ſuch were) might be by the ſaid demiſe or grant of theſe def. preiudiced or hindred, the def. cauſed the ſaid I.D. by his ſufficient deed in writing as the defendants take it for the better ſecuritie, ſafety and quietues of their lawfull tenants whom they meant not ſhould be impeached, to couenant with theſe def. that the ſaid demiſe, nor any couenant, grant or article in that ſaid Indenture of demiſe contained, ſhould in any wiſe extend to bind or charge any of them the ſaid Deane and Chapters tenants holding or claiming by good and lawfull grant any [illegible] eſtate for the terme of 3. yeares at the leaſt or more [illegible] to continue, any matter or thing in the ſaid Indenture of demiſe mentioned to the contrarie notwithſtanding, whereby it doth and may appeare to this hon. Court, that theſe defendants haue not done any thing concerning the ſaid demiſe of the premiſſes to the ſaid I.D. then as they thinke they and euery of them might lawfully doe, making ſuch prouiſion as aforeſaid, that no tenants which held by any lawfull intereſt ſhould bee impeached by this their leaſe, without that, that to the knowledge of theſe defendants or any of them, the Dean and Chapter of Chriſts Church in the Vniuerſitie of Oxford, predeceſſors of theſe def. did lawfull demiſe, grant, and to farme let the rectorie or perſonage of R. in the ſaid bill of compl. mentioned, with the appurtenances, to R.B. in the ſaid bill of complaint named in maner and forme as in and by the ſaid bill of complaint is ſurmiſed. And without that, that to the knowledge of theſe defendants or of any of them, the tithes demiſed by theſe defendants to the ſaid I.D. as is aforeſaid, were lawfully demiſed by the Deane and Chapter of the ſaid Cathedrall Church, predeceſſors of theſe defendants to the ſaid R.B. in manner and forme, as is in and

by

by the ſaid Bill of complaint ſurmiſed. And without that, that any o-ther matter, clauſe, or ſentence in the ſaid bill of complaint compriſed, being materiall in the opinion of them to be by theſe def. anſwered vn-to, is not herein ſufficiently confeſſed and auoided or trauerſed and deni-ed is true. All which matters they theſe def, and euery of them are rea-dy to auerre and prowe as this hon. Court ſhall award, and pray to be diſmiſſed out of the ſame, with their coſts by them ſuſtained.

The Replication of T.B. Eſquire complainant to the Anſwer of I.D. Eſquire one of the defendants.

Sect. 165

THe ſaid complainant by proteſtation not confeſſing or acknow-ledging any matter or thing materiall or effectuall in the ſaid An-ſwer alledged to be true in ſuch ſort, manner, and forme, as the ſame are thereby expreſſed and ſet forth, and by proteſtation alſo that the ſaid anſwer is vncertaine, and inſufficient in the Law to be replied vn-to, for diuers great and apparant faults therein manifeſtly appearing, the beneſit and aduantage whereof at all times hereafter to the com-plainant ſaued and reſerued, the ſaid complainant for replication re-plieth and ſaith in all things as before in his ſaid bill of complaint he hath ſaid. And further ſaith, that all and euery the matters in the ſaid bill of complaint conteined are and be good, iuſt, true, certaine, and ſuf-ficient in the Law to be anſwered vnto in ſuch ſort, maner, and forme as they and euery of them in and by the ſaid bill of complaint by him beene moſt iuſtly, plainely, and truely [illegible] and ſet forth, and the ſame he is ready to auerre and prowe, as it ſhall [illegible] this hon. Court to award. And the ſaid complainant further replieth and ſaith, that the ſaid Deane and Chapter the other defendants, named in the ſaid bill of complaint, had no meaning or intention to demiſe vnto the ſaid I. D. any thing that was by them or their predeceſſors formerly de-miſed to this complainants father, and in this complainants poſſeſſi-on by vertue of the ſaid leaſe, and to giue full ſatiſfaction thereof to this hon. Court. This complainant further ſaith, that the ſaid I. re-quiring of the ſaid Deane and Chapter to haue a leaſe of the townſhip of R. together with the ſaid other townſhips in the ſaid bill of com-plaint mentioned by him, procured a leaſe from the ſaid Deane & Chap-ter by ſuch practiſe and ſuceeſſions as in the ſaid bill of complaint is al-ledged, the ſaid Deane and Chapter then made anſwer to the ſaid I. D. that this complainant was the Farmer of it, and held the ſame by leaſe from the ſaid Deane and Chapter: And that they would not in any wiſe demiſe any thing to the ſaid Daniel that was compriſed in the ſaid leaſe made to the complainants father. To which anſwere

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the said I.D. replied and sayed, that hee could doe well ynough with that lease, if the said Deane and Chapter would be pleased to demise the said Towneshippe of R. with the rest of the said Townesshippes to him the said I.D. whereunto the said Deane and Chapter then answered to this, or the like effect, viz. that they would not goe about to impeach the said Lease made to the said complainants father: and that it was not fitting for men of their coate and qualitie, to stand vpon quirkes and quillits in law. By which words it euidently appeares, that the said Deane and Chapter were circumuented and misled by the vntrue informations of the said I.D. to them made in manner and forme, as in the said Bill of complaint is alleaged and set forth: and that they knew not at the time of the making of the said I.D. Lease, that the said Townesshippes thereby letten were formerly demised to the said complainants father in and by the generall words of the Rectorie of R. which did include the said Townesshippes, so as if there be any such defect in the said Lease made to the said complaynants father, as the said I.D. pretendeth by his said answere, as this complainant hopeth there is not, yet for as much as this complaynants father and this complainant haue euer since the making of the said Lease, which was many yeares since, quietly enioyed the same, and by all the said time payed the rent to the said Deane and Chapter reserued thereupon: And that the said I.D. procured his said Lease, by such sleights and subtilties, as is aforesaid. And that the said Deane meant not to demise any thing to the said I.D. that was formerly demised to the said complaynants father, nor to impeach the said Lease made to the said complaynants father vpon any defect whatsoeuer. Wherefore this complaynant hopeth this honourable Court will compell the said I.D. to bring in the said Lease so procured as aforesaid into this Honourable Court to be cancelled, or otherwise disposed of, as to the same shall be thought meet: and will order that this complaynant shal haue and inioy the benefit of the said lease made to this complainants father, as aforesaid, notwithstanding any such defect therein as is pretended by the said I.D. And whereas the saide defendant alleageth in his said Answere, that the said Deane and Chapter, to manifest their good intention and meaning towards the said defendant, and to the intent he might enioy such things, as they had to him demised, did deliuer vnto him a copie or transcript of the said Lease made to this complaynants father, and a rentall of the said seuerall Townesships in the said Bill of complaint mentioned. To that Allegation this replicant saith, that the purpose of the said Deane and Chapter in the deliuerie of the said copie or transcript was, that the saide I.D.

might thereby know what was demised or intended to be demised to the said complainants father. And to the end that he the said I. D. might not meddle with any thing comprised in the said lease, and to no other intent or purpose, without that, that the said Deane and Chapter did know by the said Rentall, that the townes mentioned in the said bill demised to the said I. D. were parcel of the said Rectorie of R. and were formerly demised to the said compl. father, and without that, that any other matter or thing in the said answer alleaged materiall or effectuall for this compl. to reply vnto, and herein not sufficiently confessed, and avoided, denied or traversed is true: All which matters this complainant is readie to averre and proove, as it shall please this hon. Court to award: And prayeth as before in his said bill of complaint he hath prayed.

R. C.

A supplication by two maimed souldiers, to have the Counsels licence to begge or to have some maintenance allowed them for their present stay and relefe, vntill two Almes roomes which the Qu. gaue in reuersion do become void.

To the right Ho. the Lords, &c.

Sect. 166

HVmbly shew and beseech your good Lo. your verie poore and humble Suppliants A. G. and B. C. That whereas in consideration of the sundry maimes and hurts of your Ho. Suppliants in her Maisties seruice, it pleased her highnesse of her most gratious disposition and pitifull consideration of vs, to giue and bestow vpon vs the reuersion of two seuerall Almes rooms in the Hospitall of D. in the Citie of London during our liues when the same shall become voide, the which be yet full, and after their deaths which now be in the possession of the same diuers reuersions are graunted to seuerall persons of the same, by reason whereof your Lordships poore Suppliants are neuer likely to enioy the same rooms for their relefe and sustenance. In consideration whereof, and for that your ho. said suppliants be in verie poore and weake estate by reason of their said maimes and hurts, and greatly indebted to diuers persons, being charged with wiues and many children, not hauing any thing now left them to maintaine, helpe, or relieue themselues withall in this their great povertie and extreamities, but are readie to perish for lacke of sustenance and other meanes. It may therefore please your good L. the premisses being by your Ho. tenderly considered, to graunt vnto your Lordsh. poore suppliants for their present stay, relefe, and comfort, your Ho. licence,

for

for the taking and receiuing of the Almes, and charitable beneuolence of the well disposed persons throughout the whole Realme, vntill the said Almes comes shall become void, or some other prouision or maintenance for the reliefe of their present necessitie, such as to your ho. shall seeme meete & conuenient may be had and made, & your said poore supp. according to their bounden duties will pray to God for your good L. in all health and honor long to continue.

A Supplication by a Merchant stranger, who hauing beene before called into question for cosening of one in a barter of Pearles for Cloth, who desireth the same may be examined and ended by Aldermen of London and other assistants of skill and iudgment: And that if they cannot agree then the Lord Maior of London to be vmpier betwixt them, or else that the same may receiue a trial in any court of Iustice within the realm, and that in the meane time his libertie may not be impeached.

To the right Hon. the Lordes &c.

IN all humblenesse beseecheth your honorable good Lordship I. C. of the citie of London, Marchant stranger. That whereas R. S. of the same citie Merchant-tailor, hath sundry times complained vnto your Honor that your said Suppliant had cosened him in deliuering pearles for 285. pounds, which were not worth 20. pounds, in consideration of a barter of cloth deliuered to your Lordships suppl. whereupon it pleased your Lordship to graunt your warrant for the bringing of your said suppliant and his aged father before your good Lordsh. to answer to the said supposed cosenage supposed against them, which they haue already in some sort answered, according to the shortnesse of the time. But forasmuch as for the full and plaine discouery of the said pretended cosenage, wherewith your Lordships said suppliant is charged by the said R. S. it seemeth requisit that the whol proceedings in the said barter or contract were throughly examined by some Aldermen of the citie of London, calling vnto them for their assistance therein two of the Dutch Church, of sufficient iudgement and skill in such cases to be indifferently nominated by your said suppliant and the said R. S. it may therefore please your good Lordship to giue full power and authoritie by your Honours letters to Alderman S. and E. D. one of the Dutch Church chosen by your said Suppliant (if so it may stand with the liking of your good Lordship) being of iudgement and skill, and very wise and discreete men, and to another Alderman of the said Citie, and any other of the said Dutch Church to bee likewise nominated and appointed by the said R. S. who may examine Sect. 167.

and trie out the trueth of the said supposed cosenage: And that it may also pleas your good Lordship that the Lord Maior of the said citie of London may be by your honor nominated and appointed to be vmpier in the said cause for the finall ending therof, if it should so happen and fall out, that the said foure persons should not fully end the same cause betwixt the saide parties touching the said supposed cosenage, to the which arbitrement and vmpirage your said suppliant will willingly submit himselfe to stand vnto and performe. And if the said cause can not by the said arbitrators or vmpires receiue a full & final end through the wilfulnesse or frowardnesse of the said R. S. according to the charitable and honest intent & purpose of your Lordships said suppliant. Then your said Suppliant humbly beseecheth your Hon. that it may bee ordered by your good Lordship, that the said cause may receiue a short, spedie, vpright and indifferent trial at the common law in what Court it shall please your good Lordship to appoint. And for that your said Suppliant doubteth least by the practise of the said R. S. his libertie may be impeached before the said supposed cosenage may bee fully tried and ended, the petitioner therfore humbly beseecheth your good Lo. that by your Lordsh. order his poore aged father may bee protected and defended from arrests or other trouble or molestation, vntill the said cause shall receiue a finall end, and your said suppliant shall daily pray to God for &c.

A Supplication by an Innekeeper imprisoned for treason vpon counterfeit letters from the Prinie Councell, who being thereof afterwards discharged by letters from the Councell, had seuerall actions of debt laid vpon him before his inlargement. And afterwardes was from thence remooued to the Fleete, and there remaining for his debt, prayeth that hee may complaine of abuses offered to him and to detect others of offences and misdemeanors by them committed. And also to write letters to the Commissioners for prisoners for debt in the Fleete, to compound all causes betwixt him and his creditors.

To the right Hon. the Lordes &c.

Sect. 168. HVmbly sheweth and complaineth vnto your good Lo. your poore suppliant and daily orator I. W. of N. now prisoner in the Fleet, That where about the moneth of September last past in the 32. yere of her Maiesties reigne, one W. P. brought to the said Towne of N. certaine counterfeit letters vnder the names of the Lord Chauncellor, Lord Treasurer, and others of her Maiesties most honourable Privie Councell with commaundement to I. B. then Maior of the saide

towne

towne of M. by vertue of the said Letters, to apprehend and take your said suppliant vpon suspition of treason, and commit him to close prison, with heauie yrons to be laid vpon him, the which said Mayor executed accordingly, where your said suppliant so continued by the space of fiue weekes. And your suppliant being so imprisoned, required the said Mayor that the said W. P. might be stayed, for that he in the same yeare had counterfeited certain other letters vnder diuers of your Lo: hands, but the said Mayor refused to stay him, because he came with your L. letters to him (as he supposed) so the said W. P. departed, leauing your said suppliant in close prison. Whereupon your said poore suppliant sent one to acquaint your Hon. with his poore distressed case, for redresse and reliefe from your good Lo: therein, who thereupon receiued your Hon. letters in your suppliants behalfe, directed vnto the said now Mayor of the said towne of M. for his enlargement of his said imprisonment. But your L. said letters notwithstanding, your poore suppliant was not set at libertie, but detained in prison by the space of eight dayes after your L. letters were deliuered vnto the said Mayor, by meanes whereof there was one execution for debt, and diuers other actions of debt laid vpon him, to the vtter vndoing of him, his wife, and eight poore children, your suppliant being a poore Inholder in the said towns of M. and hauing no other trade of liuing or meanes to maintaine himselfe and his poore family, by reason of which said vntrue slander of suspition of Treason, and of his long imprisonment of seuen months or more, he hath lost his accustomed guests being many, which vsed to come to his said house. May it therefore please your good Lo: the premisses being by your H. tenderly considered, and for that your said poore suppliant vpon his remone to the prison of the Fleete, entred into bond to appeare before your good L. at what time soeuer it should please your H. to appoint him so to doe, to admit your said Suppliant to complaine before your H. of diuers wrongs and abuses offered and done vnto your poore suppliant, as also to discouer & detect the said W. and some others his confederates of verie lewd parts and offences committed by them: And also that it will please your H. to graunt your Letters to the Commissioners for poore prisoners for debt in the Fleete, for the speedie compounding and ending of all causes betwixt your said Suppliant and his creditors, and your said suppliant as he is most bounden shall daily pray for your Ho. good Lo. in healthy and in honour long to continue.

A Supplication containing that vpon a former supplication the Counsells letters were directed to a knight and others of the country where both the parties dwelled, to heare and end a cause, being a matter of accounts, whereupon the knight & the others first wrote their letters to the parties, & they not comming before them, vpon their letters they did thereupon by vertue of the Counsells said letters sent their precept vnto them, commanding them to appeare before them for ending of the said cause, who refused to come before them, the which his contempt was by the said Knight &c. certified to the Counsell against them. And now the petitioner prayeth the Counsells warrant to bring the parties before the said knight &c for the ending of the said cause, and if the said parties wilfully refuse to stand to and obey their order, then to commit them to the Gaole, there to remaine vntill they will be contented to obey and performe the same.

To the right Ho: the Lords, &c.

Sect. 169.

HVmbly sheweth vnto your good L. your humble suppliant R. C. Clothier, that whereas vpon a former petition exhibited vnto your good L. declaring the iniurious, vnconscionable, and sinister dealings of one T. N. and I. his sonne, touching a matter of debt and account, which was by your said suppliant fully satisfied: Yet continued they suite against your said suppliant for the space of seuen yeares together only of purpose and malice, to the end to molest, trouble, and impouerish your said suppliant, as by diuers certificates then to your H. by your said suppliant shewed did fully and at large appeare, as also the lewd and euill conuersation and demeanor of the said I. D. duly certified vnto your good Lo. by the towne of T. in the Countie of S. vnder the common Seale of the same towne: whereupon it pleased your good Lo. to direct your Honorable letters vnto Sir G. T. of A. in the saide countie of S. knight, and others, to call before them the said T. N. and all other persons whom that matter did in any wise concerne, and that vpon due hearing and examination of witnesses vpon both parts to be produced to proceed to the finall ending and determining thereof according to equitie and conscience, and thereupon the said Commissioners according to your Lo: Ships said letters of Commission sent first their letters, requiring them to come before them for the ending of the said cause: and for that they did not appeare before them vpon their said letters, they then addressed vnto them their precept, requiring and commaunding them and euerie of them by vertue of your Honors said letters of Commission to them directed, to come & appeare before them for the ending of the said cause, both which letters and precept were deliuered by one A. B. vnto the said T. N. who was the principall mo-

lestor

leſſor and troubler of your ſupp. in theſe cauſes who albeit he had receiued the ſaid letters & p̄cept, yet that notwithſtanding hee would not appeare beſore the ſaid commiſſioners, but contemptuouſly by his letters to the Commiſſioners refuſed to appeare beſore them either vpon the ſaid letters or the p̄cept from the ſaid commiſſioners, as by a certificat from the ſaid commiſſioners ready to be ſhewed vnto your good L. may appeare, to the great derogation and contempt of your good L. May it therefore pleaſe your Ho. for the bridling and checking of ſuch diſſolute, froward, and wilfull obſtinacy, to the terrifying of ſuch like diſobedient perſons, to grant vnto your ſaid ſuppl. your L. warrant to be directed vnto the Sherife of the ſaid countie of S. to bring the ſaid T. M. beſore the ſaid Commiſſioners at ſuch day, houre, and place, as by letters from the ſaid commiſſioners to the ſaid Sherife ſhalbe aſſigned or appointed: And that if the ſaid T. M. being ſo brought beſore the ſaid Commiſſioners, ſhall wilfully refuſe to obey and perſorme ſuch order, end, and determination, as the ſaid Commiſſioners ſhall thinke good to ſet downe therin: That the ſaid Commiſſioners may haue ful power and authority to commit the ſaid T. M. to the goale within the ſaid county, there to remaine vntil he will yeeld to perſorme and obey the order and determination of the ſaid Commiſſioners, or that your good L. ſhall giue order and direction for his deliuery out of priſon. And your ſaid ſuppl. ſhall daily pray for the preſeruation of your good L. in all felicitie and happineſſe long to continue.

A Supplication by one for himſelfe and for eight other priſoners endicted of murder in Wales (wrongfully as they pretend) containing a former ſupplication, whereupon the Counſell ordered, that they ſhould receiue their trialls vpon the ſaid Indictment of life and death in the Countie of Salop, and not in the countie of M. where they were indicted, praying that they might bee bailed, for that hee was a freeholder of good worth, and able to put in good ſuretie, that the Councell would be pleaſed to giue order by their letters to the Lord Preſident and Counſell in the Marches of Wales for the bayling of them.

To the Hon. the Lordes &c.

MOſt humbly enformeth your good L. your humble ſuppliant and daily orator C. D. of the county of E. for himſelfe and 8. others, now priſoners in the goale of P. for a ſuppoſed murthering of one M. C. who died about Pentecoſt laſt paſt: That whereas vpon ſome ſodaine heat or words vncertaine happily to grow betweene the ſaine M. C. and your ſaid ſuppliant L. in the ſaid countie of E. vpon the 28. day of May laſt paſt, about the hauing vp of a writ of capias, with a ſee for- Sect. 170

merly giuen for the executing of the same writ, at which time by hard hap a stander by giuing a light blow to the said P. G, with a stone vpon the head, wherof he neuer languished so much as one houre in outward apparance, neither did his chirurgian conceiue any danger to be therin, but the said P, G. trauelled afterwards without shew of grief from place to place about his affaires into forraine countries, vsing all exercises and disports of pleasure, and afterwards vpon the 10. day of June through sickness died in the said county of P. In which cõty of P, by fauor of the kinred and allies of the said P, G, your supl. and vj. others were vniustly indicted for ỹ death of the said P, G, as for murther, although there were no maner of malice betwirt your L. said supliãt and the said P. G. before the said hurt of him the said P, G, but great good wil and liking betwirt them. For the same night ỹ the said P, G, was hurt as is aforesaid, he had appointed to lie at your L. said suppl. house, whereupon your good L. said suppl. being an humble suitor to your H. for redresse of the said hard measure, it pleased your good L. in your very ho. consideration by order from your L. to appoint the triall of your said suppl. and the other 8. indicted persons at the Assises to be holden for the said county of Salop, as a place more indifferent & fit for the same, and yet neuertheles, your said poore suppl. and the rest remaine in prison & cannot be baited, albeit very good and sufficient baile haue bin by your L. suppl. diuers times offred not only for himself, but also for the rest of his people, being indicted & imprisoned. And for that your H. said suppl. is a freeholder of credit & worth, wel able to find very good and sufficient surety for his owne baile & his said people to appeare and answer to the said indictmẽt against them before the Q. Ma. Justices of Assise for the said county of Salop, at the nert Assises to be holden within the said countie of Salop for the said county. It may therfore please your good L. of your accustomed care and cõmiseration of poore afflicted persons for their relefes, to giue such order & direction by your honors letters to be directed to the L. President & Counsell of the Marches of Wales, that your L. said suppl. and his poore poore people may not only receiue their said trial vpon the said indictment in the said county of Salop, according to your good L. former order and directions therin, but also that they may be presently bailed vpon good and sufficient sureties to be of them taken by the said L. President & councell for their personall appearance before the said Justices of Assises of Assise for the said countie of Salop at the said nert Assises to be holden before them for the same county, then and there to answere to the said indictment, and to receiue therein according to law and iustice: And your said poore suppl. shall pray vnto God for the long preseruation of your good Lo. in health and much honor long to continue.

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A Supplication to haue the Councels letters to two Bailiffes of a town, to take vpon them the hearing of a controuerſie of an Account, or elſe to appoint other two to doe the ſame, and that they two appoint an Vmpier to end the matter. And if the ſaid Vmpier cannot end it, then to certifie the Counſell of the ſtate of the matter, and their opinions thereof, and in whom they conceiue the fault to be.

To the Hon. the Lordes &c.

IN moſt humble and lamentable manner ſheweth vnto your Honorable Lordſhips your poore Suppliant A.B. of C. in the County of N. Marchant, That whereas there are diuers matters of Accounte in queſtion and controuerſie betweene your ſaid poore ſuppliant, and one H.B. of N. which will aſke and require ſome long time and great charges to be proſecuted and determined by the due courſe of the common lawes of the realm, the which would turne to the vtter vndoing of your ſaid ſuppliant, becauſe he is now ready with his ſhip to depart towards the Straites, and therefore very vncertaine of his returne. It may therefore pleaſe your good Lordſhips to graunt your Hon. letters to bee directed vnto the two Bailiffes of great Yarmouth, either to heare the ſaide account betwixt them, or elſe to appoint two other indifferent perſons to heare the ſame, and that thoſe two may of themſelues appoint an vmpier to ende and determine the ſaid controuerſies, vnto the which if the ſaid H.B. or your Hon. ſaid ſuppliant will not yeeld vnto, that then they may certifie vnto your good Lordſhip the ſtate of the ſaid controuerſies betwixt them, with their opinions therein, and in whom they conceiue the fault to be. And your ſaid poore ſuppliant ſhalbe bound during his life to pray for your good L. increaſe of honour, and perpetuall felicity. Sect. 171

A Supplication of H.K. and E.M. beeing priſoners in the Fleete for miſdemeanors in the Starre-chamber to bee enlarged of their impriſonment.

To the right Hon. the L. Keeper of the Seale of England.

THe Suppliants in Michaelmas Terme laſt were ſentenced for a riot, and other miſdemeanors, and A.B. the principall defendant was then alſo committed to the Fleet, & adiudged to pay to the K. 100 li. for a fine, and alſo to diſcharge the fines impoſed vpon ſuch other of the ſaid def. then likewiſe ſentenced and fined as are not able to ſatiſfie the Sect. 172

the same. Your L. said poore suppl. dwelling in the county of C. were brought vp by the Warden of the Fleets seruants, and are now likewise prisoners in the said prison of the Fleet for ỳ said offences, where they haue already remained by the space of a fortnight & more in great misery and want, being very poore men and very aged, and hauing nothing at all wherewith to relieue their great wants & necessities more then the bare allowance of ỳ prison, being so small, as your poore suppl. are ready to starue for want of meate, drinke, and other necessaries, to the vtter ouerthrowing of them and their poore wiues and children, without it may please your good L. spedily to extend your commiseration and pity vpon them in setting them at libertie.

A Supplication of a prisoner in the Fleete, for misdemeanors censured in the Starre-chamber to be enlarged of his imprisoment, and to haue the benefit of a generall pardon, and to be discharged of one of the fines imposed vpon him.

To the right Hon. Sir T. E. Knight, L. Keeper of the Seale of England.

Sect. 173 IN all humblenes H. A a very poore aged man of 70. yeares olde and more, now prisoner in the Fleet, humbly beseecheth your good Lordship, That where your suppl. in the cause betweene A. B. and C. D. had in the Starre-chamber two seuerall fines imposed vpon him for two seuerall misdemeanours, the one a fine of 10. li. and the other a fine of 20. li. and brought out of the countie of C. by the seruant of the deputie warden of the Fleet to ỳ prison of the Fleet, the 10. day of this instant June, being as he is informed discharged and freed from the said first fine of 10. li. and from imprisonment of his body by her maiesties most gracious generall pardon at the last Parliament, that it would please your good L. for Gods sake, to yeeld and allow vnto your L. said suppl. the benefite of the said generall pardon for his said first time, and also in your hon. and mercifull regard of his great pouerty and misery he now lieth in, to enlarge him of his said imprisonment, and to discharge him of the said fine of 20. li. and to set it ouer vpon the head of the said C. D. according to an order therin taken: and also to order and appoint the said C. D. to pay your said suppl. prison charges, hauing bin drawn into the action by the said C. D. otherwise your Lordsh. poore suppl. is vtterly vndone for euer, and shall neuer be able to procure his liberty: but of force must perish in prison: And your said poore suppliant and his poore wife and children shall daily pray for your L. good and honorable estate in all health and happines long to continue.

A

A Supplication of a priſoner in the Fleet for a miſdemeanor cenſured in the Star-chamber to haue the benefit of a generall Pardon, and to be diſcharged of his impriſonment and fine, and that in reſpect of his verie poore eſtate his priſon charges may be payed & diſcharged by one A.B. by whoſe meanes the Suppliant was drawne into the action.

To the right Hon. Sir T.E. Knight, Lord Keeper of the great Seale of England.

YOur Hon. verie poore ſuppliant H.P. being a very poore olde man of aboue 80. yeares old, and weake and ſickly, now priſoner in the Fleete, humbly beſeecheth your Lordſhip, That where your poore ſuppliant in a cauſe betweene A.P. and C.R. was fined in the Star-chamber at the ſumme of v.li. and brought out of C. by the warden of the Fleetes ſeruants to the priſon of the Fleet, the 11. day of this July, that he may not only be freed and diſcharged of the ſaid fine impoſed vpon him, but alſo of his ſaid impriſonment by force and vertue of a generall pardon at the laſt Parliament. And that your good L. will be pleaſed for Gods cauſe to yeeld and allow vnto your poore ſuppliant the benefit of the ſaid Pardon for his enlargement. And further that it will pleaſe your good L. in regard of his great pouertie being not able to releeue himſelfe with ſufficient meate and drinke, but is readie to ſtarue for hunger for want thereof, to take ſuch order that the ſaid C.R. by whom your ſaid poore ſuppliant hath beene drawne to commit the ſaid miſdemeanor, may pay for your ſaid ſuppl. all his fees and charges of impriſonment, the which if he be not compelled by your good Lo. to do, your ſaid poore ſuppl. is very likely to remaine languiſhing in priſon all the dayes of his life, without any hope euer to be deliuered thence. And your poore ſuppl. will daily pray for your good Lo. &c. Sect. 174.

The end of Bills and Anſwers &c.

HItherto of Bills, Anſwers, Replications, Reioinders &c. and ſuch other things as concerne the manner of proceeding in Chancerie ſuits, with ſome new additions vnto them added. Now of certaine writs and commiſſions iſſuing thence, and there alſo retournable.

The manner of proceeding vpon a ſpeciall Certiorari.

THe partie grieued exhibiteth his Bill, and by the ſame prayeth not only a ſpeciall Certiorari, but alſo a Subp. againſt the defendant to anſwer Sect. 175.

anſwer to his bill, as appeareth by the laſt two bills. And if the Lord Chauncellor, Lord Keeper, or Maſter of the Rols ſhall ſee good and probable matter in the bill, they vſually grant the ſame, taking bond of the plaintife for the proſe of the ſurmiſes of his bill, within fourteene daies after the returne of his ſpeciall Certiorari, which writ of Certiorari followeth in hęc verba.

Iacobus Dei gratia Angliæ, Scotię, Francię, et Hyberñ Rex, fidei defenſor &c. Maiori et Vicecomiti Londñ ſalutem: Volentes certis de cauſis certiorari ſuper cauſa captionis et detentionis R S. in priſon' ſub cuſtodia veſtra, vos præf. vicecomit detenti, vt dicitur, vobis mandam', quod cauſam præd cum omnibus eam tangentibus quocunq; nomine idem R. in cauſa illa cenſeatur, nobis in Cancellariam noſtr in quindena Paſc. prox. futur, vbicunq; tunc fuerit, ſub ſigillis veſtris diſtinctè et apertè mittatis, et hoc breue: Teſte &c.

And if the plaintife doe not make proſe of the ſurmiſe of his bill, as aforeſaid, then vpon certificate made vnder the handes of the examiners of this Court, and notice from the plaintifes Atturney, that hee hath not examined any witneſſes, either in this Court, or by Commiſſion, then a Procedendo is granted of courſe. But if there be witneſſes examined, then to haue their examinations referred to a Maſter of the Chancerie.

And if he find and ſo certifie, that the plaintife hath proued the ſubſtance of his bill, then the cauſe to be reteined & ordered in this Court, if not then a Procedend to proceed for the remanding of the ſaid cauſe.

A Corpus cum cauſa to remoue a Priſoner.

Sect. 176. REx &c. Maiori et Vicecom' Londñ ſaluť. Mandamus vobis, qđ R. S. quocunq; nomine cenſeat captum et in priſoñ ſub cuſtodia veſtr vos præf. Vicecom' detenť, vt dicitur, habeatis coram nobis in Cancellar noſtra tali die px. futur, vbicunq; tunc fuer, vna cum cauſa captionis et detentionis ipſius R. in priſona p̄d. Et hoc nullatenus omittat. Et habeat ibi hoc breue. Teſte &c.

This writ is graunted by the Lo. Chancellor, L. Keeper, or Maſter of the Rolls, for the moſt part vpon a Bill exhibited, and good baile put into the Court for the parties apparance and forth comming, de die in diem, or further time, as the Court ſhall thinke fit, whereby many of her Maieſties ſubiects are very much relieued in hard and extreme cauſes, lying oftentimes in priſon vpon great actions ſurmiſed againſt them, without iuſt cauſe, and therby not able to put in ſuch baile as the common law doth require in ſuch caſes.

Of

Of a Writ of Diem clauſit extremum.

THis writ is to bee ſued forth by the heire of the Kings tenant in chiefe, within a yeare after the death of his Auncestor, or a Commiſſion of the ſame effect. And an Office or Inquiſition being thereupon taken and returned, ſuch heire may haue liuerie of his landes out of the Kings handes, for if the landes of ſuch Tenant extende that yearely value of fiue pounds, no Liuerie thereof can be ſued, before ſuch Inquiſition or Office found and returned by vertue of ſuch Writ or Commiſſion. And ſuch Writ or Commiſſion may not paſſe but by Warrant or Bill, firſt ſigned and ſubſcribed with the handes and names of the Maſter of the Wardes and Liueries, the Surueyor of the Liueries, and the Atturney of the Court of Wards and Liueries, or ſome of them, 33. H. 8. cap. 22. The forme of which writ enſueth. Sect. 177

Rex Eſchaetori in Com̃ Eb. ſalutẽ. Quia I. qui de nobis tenuit in cap̃ Diem clauſit extrem̃, vt accepimus. Tibi p̃cipim', q̃ oĩa terr' et tenẽta de quibus idem I. fuit ſeiſitus in dom̃ ſuo vt de feodo in balliua tua die quo obijt, ſine dilatione cap̃ in manũ noſtrã, et ea ſaluo cuſtodiri facias, donec aliud inde ſciperimus: Et per ſacram̃ ꝓborum & legalium homin' de eadem balliua tua, per quos rei veritas melius ſciri poterit diligenter inquiras, quantum terrarum & tenementorum pred' I. tenuit de nobis in capite, tam in dominico q̃ in ſeruitio, in dict' balliua tua dict' die quo obijt, & quantũ de alijs, & p̃ quod ſeruitium, & quantũ terr' & tenementa illa valeant per annum in omnibus exitibus, & quo die idem I. obijt, & quis ꝓpinquior hæres eius ſit, & cuius ætatis. Et Inquiſitiõ inde diſtinctè & apertè fact' nobis in Cancell' noſtrã ſub ſigillo tuo, & ſigillis eorum, per quos facta fuerit, ſine dilatione mittas &c. Et hoc breue. Teſte &c.

But if one that holdeth of the Kings ward by Knights ſeruice die, the Diẽ clauſit &c. *muſt be thus:*

Rex dilecto &c. Quia I. de S. qui de hered' W. de O. defunct', qui de nobis tenuit in capite, infra ætatem, & in cuſtodia noſtra exiſtent' tenuit per ſeruic' Militar' Diem clauſit extremum, vt accepimus, Tibi p̃cipim' q̃ omnia terr' et tenement' &c. per ſacram̃ &c. quant' terrarũ et tenẽtorum idem I. tenuit de hæred' predict'. Et quis ꝓpinquior hæres eius ſit &c. *vt ſupra.*

And if the Kings Ward, Thus:

Rex &c. Quia R. de H. filius & hæres I. de H. defuncti, qui de nobis tenuit in Capite, nuper dum infra ætatem & in cuſtodia noſtra fuit; Diem clauſit extremum, vt accepimus, Tibi præcipimus, quod per ſacramen-

cramenꝯ &c. inquiras, quæ terr & quæ tenta, p mortem ꝓd' I.H. ratione minoris ætatis her̃ pred' I. ad manus nr̃as devener̃, & sic in manus nostr̃ existunt, et quanꝯ inde de nobis tenetur in capite, & quanꝯ de alijs, et per ꝙ seruitium, et quanꝯ &c.

But if the wife of the Kings tenant which holdith the dower, die, his heire being the Kings ward, then the Diem clausit extremũ *must be made* thus:

Rex dilecto sibi N. de B. Maiori Ciuitatis suæ London, et Eschaetor̃ suo in eadem Ciuitate salutem. Quia E. quæ fuit vxor I. de B. nuper defunct̃, quæ quasdam terras et quædam tenementa dẽ nobis tenuit in dotem de hereditate pred' I. quondam viri sui, Diem clausit extremum, vt accepimus. Tibi ꝓcipimus, quod omnia terras & tenementa, quæ eadem E. sic tenuit in dotẽ de hæreditate pred' in balliua tua &c. per Sacramentũ &c. diligenter inquiras, quas terras et quæ tenementa ead' E. sic tenuit in dotem de hęreditat̃ pred' in balliua tua, die quo obijt, & quanꝯ inde de nobis tenetur in Capite, & quanꝯ de alijs, & ꝓ quod seruitium &c.

If the King haue the Wardship of a reuersion, and the tenant for life die, then thus:

Quia A. quasdã terras & quædã tenement̃ de hered' E. consanguinei et hæred' H. de P. defuncti, qui de rege tenuit in Capite, infra ætatẽ et in custod̃ reg. existẽs tenuit ad terminũ vitæ suæ, Dicẽ clausit extremũ &c. tibi precipimus &c.

After the death of the tenant by the Curtesie, thus:

Quia A. qui quasd̃ terras & quæd' tenta de nobis tenuit ꝓ legẽ Angl' de hæred̃ M. vxoris suæ dudum defuncte, Diem clausit extremũ, tibi precipimus &c.

But if the King haue a remainder, and his tenant for life dieth, then must the writ be thus:

Quia A. quæ fuit vxor &c. qui quasdam terras & quędam tenementa tenuit ad vitam suam et quæ post mortem ipsius A. nobis & hered̃ nostr̃ remanere debent, Diem clausit extremum &c. Tibi precipimus &c. qui eadem sic tenuit et quę post mort̃ &c. remanere debent &c. vel sic, post mort̃ pred' B. ad manus nostras ratione minoris ætatis pret. hæred̃ devenir̃ &c.

But if the temporalties of a Biſh. bee in the K. hands, and one that holdeth of the Bishopricke by Knights ſeruice dieth, the Diem clausit extremũ must be thus:

Rex &c. Quia A. qui de Archiepisc' Cantuar̃ vacant̃ & in manu nr̃a existẽs tenuit per seruic' militare, Diem clausit extremũ &c. tibi ꝓcipim' &c. de quib' idem A. fuit seisitus in dom̃ suo vt de feod' &c. & tenuit de Archiepiscopatu pred̃ sine dilatione &c.

But

But if the Kings Ideote die, the writ muſt be ſuch:

Quia B. de C. nuper fatuus et Ideota, cuius terr' et tenement' ratione fatuitatis eiuſd' B. in manu noſtra exiſtunt, diem &c. vt accepimus, tibi p̃cipimus, q̃ p̃ ſacram' &c. diligent' inquiras, quæ terr' & quæ tenta ratione fatuitatis pred' B in manum noſtram capta ſuerunt, et adhuc in manu n̄ra exiſtunt, et de quo vel de quib' teneantur, & p̃ q̃ ſeruitium, & quant' terr' illæ valeant &c. et quis p̃pinquus &c. & inquir. &c.

Datur nobis intelligi.

AND if the Eſcheator receiue a Diem clauſit extrem', and die, or bee otherwiſe remoued from his office before execution thereof then iſſueth a writ of Datur nobis intelligi, in this forme: Sect. 178

Rex &c. Cum nup̃ datur nobis intelligi qd I. de I. qui de nobis tenuit in cap̃. Diem clauſit extrem̃. p̃ceperimus dilect' nobis W. de O. nuper Eſchaetori noſtro in com' p̃d', q̃ omnia terras & tenement' &c. *vt ſupra mutatis mutandis.* Ac idem W. ab offic' p̃d' iam ſit amotus, p̃ q̃ executio breuis r̄ri præd' fieri non poteſt: Nos ſuper præmiſſis volent' Certiorari, Tibi p̃cipimus, q̃ p̃ ſacrament' &c. diligent' ſuper p̃miſſ. facias inquiſit', & eam diſtinct' &c. Teſte &c.

Or thus.

Rex dilect' &c. Cum nuper datur nobis intelligi, quod I. de B. qui de nobis tenuit in capite, Diem clauſit extrem̃, p̃ceperimus dilect' et fideli noſtro H. de B. nuper Eſchaetori noſtro in eod' com̃, q̃ omnes terras &c. ſine dilatione caperet in manum noſtram &c. donec aliud inde p̃cepiſſemus, et p̃ ſacram' &c. inquiret, quę terræ &c. *vt in primo breui.* Ac idem H. ante q̃ præd' breue ſuerat executum, ab officio p̃d' fuerat amotus: Nos volentes ſuper præmiſſis plenius Certiorari, tibi præcipimus, quod ſuper articulis pred' et eorum ſingulis diligenter facias inquiſic', et eam diſtinct' et apperte fact' &c. *vt ſupra &c.*

What if the firſt Eſcheator execute the writ, and die before the inquiſition be returned into the Chancery, then a Certiorari ſhalbe awarded to his executors, or adminiſtrators to certifie ỹ ſame inquiſition, for it is a matter of Record ſo ſone as the Iurors haue found and ſealed it.

Of a Mandamus.

IF the Kings tenant by knights ſeruice die, his heire within age, and no writ of Diem clauſit extrem̃ be awarded within a yeare after his death, then ſhall iſſue a Mandamus in this forme. Sect. 179

Rex

Rex dilecto sibi W. de B. Escaetori suo in com̃ B. salutem. Præcipim̃ tibi, q̃ p̃ sacrañ ꝓbor̃ & legalium homiñ de balliua tua, p̃ quos &c. diligenẽ inquiras, quas terr̃ & t̃ẽnta I. de B. tenuit de nobis in capite, tam in dñico quam in seruitio in balliua tua die quo obijt, et quantũ de alijs, et per q̃ seruitium, & quantum terr̃ę & tẽnta illa valeant p̃ annũ in omnibus exitibus, & quo tempore idem I. obijt, et quis ꝓpinquior &c. et cuius ætatis, & quis vel qui terras et tẽnta illa à tempore mortis p̃d occupauit vel occup̃, et exitus et ꝓfic' inde p̃cepit vel p̃ceper̃, quo titulo & qualit̃, et quo modo &c. Et inquisit̃ &c.

Sect. 180. The heire shal haue but one writ of Diem clausit extremũ only within a yere after his ancestors death: But where the ancestor died ward to the King and within age, for then a new Diem clausit extremũ shall be awarded a yeare after the Infants death, and not a Mandamus *per Regist. fol.*

Of Commissions after the death of the Kings tenant.

Sect. 181. Also the heire of the kings tenant by knights seruice in chiefe, may sue forth a speciall commission, directed to certain persons, to enquire what lands &c. (as above in a Diẽ clausit extremũ) which commission will be as beneficiall for the heire, as a Diem clausit extremũ: For vpon Inquisition taken by such a Commission, retornable into the Chancerie, he may haue liuerie at his full age. But he shall neuer haue liuerie vpon a generall Commission to enquire of all Wards &c.

Quæ plura.

Sect. 182. This writ lieth when any of the heires lands be omitted in a former office or inquisition, to find the land so omitted, and is such.

R Rex Escaetori suo &c. salut. Quia datum est nobis intelligi q̃ A. defunct̃ qui de nobis tenuit in capite, tenuit die quo obijt plura terr̃ et tẽnta in com' p̃d, quã tu in inquisitione inde post mort̃ p̃d A. de mandat̃ nostr̃ capt̃, et in Cancell' nostr̃ retornata specifi'. Tibi ꝓcipimus, q̃ p̃ sacram̃ ꝓbor̃ &c. inquiras quæ plura terras et tẽnta idẽ A. tenuit in com' p̃d, die quo obijt, et de quo, vel de quib' illa plura terr̃ et tẽnta tenẽantur, et p̃ q̃ seruitium, et quant̃ valeant per anñ in omnibus exitibus. Et inquisit̃ &c.

Melius inquirendum.

Sect. 183. This writ lieth where an office found by vertue of a Diem clausit extremum or Commission is vncertaine in the tenure, value, or tenants

tenants eſtate of the lands, or otherwiſe. But if ſuch incertaine office be found before the Eſcheator ratione officij onely, then it is void, and no Melius inquirendum ſhall thereupon be awarded. And the Melius Inquirendum is ſuch.

Rex Eſchaetori ſuo &c. Salutem. Cum p quandam inquiſitionē corā A. Eſchaetore noſtro in Com̃ p̃d̃ de mandato noſtro captam, & in Cancellar nr̃a returnat̃ ſit cōpertum, q̃ N. defunctus tenuit diuerſa terrat & ten̄ta cum pti'n in comit̃ pred', & quis propinquior hæres eiuſd' N. ſit ex parte patris ſui, iuratores inquiſitiōn̄ pred' ignorant: tamen ex parte R. matris p̃d' N. filiæ W. B. eſt eius hæres ꝓpinquior, & ætatis viginti & vnius annorum & amplius. Et quia in inquiſitione p̃d' quis ꝓpinquior hæres ipſius N. exiſtat minime ſpecificatur tibi p̃cipim' q̃ per Sacram' &c. inquiras quis propinquior hæres p̃d̃ N. exiſtat, qualiter et quo modo, Et inquiſitionem &c. T. &c.

And this Writ is grantable vpon ſurmiſe made in the Court, that ſuch former office is ſo incertaine, as is aforeſaid.

Another Melius inquirendum poſt inquiſitionem imperfectam.

Rex Eſchaetori ſuo &c. Cum per inquiſitionem coram te de mandat̃ noſtr̃ &c. cōpertum ſit, q̃ A. tenuit die quo obijt vnum meſſuag' in N. in com̃ p̃d̃ de B. per ſeruitiū militare, quodq; idem A. tenuit die quo obijt vnum toftum cum pertiñ in N. in Com̃ pred' de hærede F. L. p̃ ſeruitiū militare, et quia in inquiſitione pred' qualem ſtatū & quale ius idem A. habuit in meſſuagio & tofto p̃d', ſeu de quo vel de quibus eadē meſſuag' & toftum teneantur minime ſpecificatur: nos volentes inde p̃ te plenius Cerciorari, tibi p̃cipimus &c. inquiras, qualem ſtatum, & quale ius idem A. habuit in meſſuag' & tofto p̃d' die quo obijt, & de quo vel de quibus meſſuag' & toftū p̃d̃ teneant̃, & per q̃ ſeruitium, qualiter & quo modo. Et inquiſitionem &c. T. &c.

A Writ de Ætate probanda.

IT behooueth the heire of the Tenant in chiefe being in ward, at his full age, and before liuery, to haue a Writ to the Eſcheator of the countie where he was borne, to proue his age. And it ſemeth that ſuch a writ may as well be made to the Eſcheator of the county where his land lieth, for it may be hee was borne where the Kings writ runneth not: as in Ireland, Callice, Barwicke &c. Sect. 184.

Rex dilecto ſibi I. de B. Eſcheat̃ ſuo in Com̃ B. ſalutem. Quia A. de B. qui M. ſororem, & vnam hæt̃ R. defuncti, qui de domino Edw. nuper Rege Angliæ auo noſtro tenuit in capite duxit in vxorem, dicit prefat̃ M. plenæ ætat̃ eſſe, & petit à nobis terras & tenementa, quæ ſunt de hæ-

redikate ipsius M.& quorum vna pars in manu nostra, & alia pars in custodia I.de H.erit commissione dicti ami nostri vsq; ad legitimam ætatem hered eiusdem existunt sibi reddend', per quod volumus, q eadem M. quæ apud G. in com' M. nata est, & in Eccles. eiusdem villę, baptizat fuit vt dicitur, ætatem suam probet coram te. Tibi præcipimus q ad certum diem & locum, quos ad hoc ꝓuideris, probationem illam per sacramentum tam milit q̃ proboꝝ & legalium hominum de ballia tua, per quos probatio illa capi, & verita ætatis p̃d melius sciri poterit & inquiri, capias, & som. fac. p̃f. I. quod tunc sit ibi ad ostendend si quid prose habeat vel dicere sciat quare p̃d H.& pred M. vt illi qui plene ætatis est, si plene ætatis sit, terras et tenta p̃d reddere non debeamus, & probat illam sic captam nobis sub sigillo tuo, & sigillis eoꝝ per quos capta fuerit, sine dilat mittas, & hoc breue. Teste &c.

Another forme of the writ De Aetate probanda.

REx &c. Quia M. de F. fil' & hær I. defuncti, qui de nobis tenuit in capite, dic it se plenæ ætatis esse, & petit à nobis terr & tenta quæ sunt de hæred sua & in custodia nostra, vsq; ad legitimam ætatem hæred p̃d sibi reddi, ꝓ q volumus quod &c. vsq; ibi melius sciri poterit & inquiri, capias, & tunc sic. Et probat illam &c. *vt supra.*

But if the King commit the Wardship, the Aetate probanda must mention the same.

And if the Wardship by reason of the temporalties of a Bishoprick be in the Kings hands, the writ de Aetate probanda must mention the same: And yet that is no court in capite.

Commission pro aetate probanda.

REx dilectis &c. Sciatis q assignauimus vos ad inquirend per sacramentum tam Militum quam aliorum proborum & legalium hominum de vicinet de N. in com' L. si I. fil' & hæres B. apud N. natus, & in Ecclesia eiusd villę baptizatus fuit, & quod ratione minoris ętatis suæ in custodia nostra existit, plenæ ętatis sit, vt dicit, necne. Et ideo vobis mandamus, quod ad certos diem & locum, quos ad hoc prouideris, inquisit illam faciatis, & illam distinct & aperte factam nobis in cancellar &c. sine dilatione mittatis, & hoc breue. Mandauimus enim Vicec' nostr Lincoln, quod ad diem et locum, quos ei sciri faciet venire faciat, &c. In cuius rei testimonium &c.

And upon this Commission a writ shall be sent to the Sheriffe to returne a panell before the Commissioners at a certaine day before them limited vnto him by their Precept. Thus:

A

A venire facias to the Sherife vpon the ſame Commiſſion.

REx Vicec' &c. Præcipimus tibi, quod ſummoñ per bonos ſummonitores xij. tam Milites, quam alios probos & legales homines de viſineto de N. quod ſint coram dilectis & fidelibus A.B. & C. & hijs quos ſibi aſſociauerimus, ad certos diem & locum, quos ijdem A.B. & C. tibi ſcire facient, parati ſacramento recognoſcere, ſi F. fili' & hæres C. apud N. natus, & in Eccleſia eiuſdem villæ baptiz. fuit, qui ratione minoris ætatis ſuę in cuſtodia noſtra exiſtit, plene ætatis ſit, vt dicit necne, & interim ad præd ecclesiam & villam accedant, vt veritatem ętatis p̃d diligenter inquirant & nomina eorum imbreuiari faciant. Et ſci. fa. E. & S. cuſtodibus terr̃ p̃d hęr', q̃ tunc ſint ibi ad audiend' illam recogn̄, & ad oſtend' ſi quid obſtat debeat, quare præd I. terras & tenta ſua habere non debeat, & habeas ibi nomina illorum duodecim & hoc breue, Teſte &c.

Whereby appeareth that the committée of the King ſhal be warned to be there. But if the King haue the Ward in his owne hands, then this clauſe Et ſci' facias E. & S. cuſtod' &c. ſhall be omitted in the writ.

Of Homage done or reſpited.

WHen a writ de Aetate p̃banda is executed and returned, and that the heire hath p̃ued his age, then he muſt doe homage or agrée with the King to reſpite the ſame, and pay reliefe before liuerie ſued: and a writ teſtifying homage to be done, when the heire is at full age at the death of his anceſtors.

Rex Eſchaetor' &c. Sciatis q̃ cepimus homag' L. de H. filij & hær' B. de H. defuncti, de omnibus terris et tenementis quæ idem B. pater ſuus tenuit de nobis in capite die quo obijt, et ei terras & tenementa illa reddidim.': Et ideo tibi p̃cipim', quod accepta ſecuritat' à præfat I. de rationabili releuio ſuo nobis ſoluend', ad Scaccarium n̄rum, eidem I. de omnibus terr' et tenementis p̃d, & de quibus p̃f. B. pater ſuus fuit ſeiſitus in dominico ſuo vt de feodo in balliua tua, die quo obijt, quęque occaſione mortis eiuſd B. capt' ſunt in manũ n̄ram, plenã ſeiſinã habe' facias: Saluo iure cuiuſlibet, & ſalua Matildæ quæ fuit vxor B. rationab' dote ſua, ipſam de terr' et ten̄t p̃d, ſecund' legem et conſuetud' reg' n̄ri Angl' contingent, ei per nos aſſignand'. Teſte meipſo, &c.

But if the heire were inward, and hath proued his age, the writ of the homage receiued, muſt be thus.

Rex &c. Quia N. de E. Fil' & hæres R. de C. defuncti, qui de domino Edwardo nuper reg' Angl' auo noſtro tenuit in capite, ętatem ſuam corã

te ſufficienter probauit, ſicut per probationem de mandato noſtr̃ captam, & in Cancellar̃ noſtram retornat̃, eſt compertum, ceperimus homagium ipſius N. de omnibus terris & tenemẽtis quæ idem R. pater ſuus tenuit de dict' auo noſtro in capite, die quo obijt, & ei terras & tenemẽt̃ illa reddidimus. Ideo tibi p̃cipimus, quod eidem N. de omnibus terris & tenementis p̃d̃ de quibus p̃d̃ R. pater ſuus fuit ſeiſitus in dominico ſuo vt de feodo in ballliua tua die quo obijt, & per mortem eiuſdem R. in manum dicti aui noſtri capta fuer̃, & in manu noſtr̃ ſic capta exiſtunt, plenam ſeiſinam habere facias, ſaluo iure cuiuſlibet, Teſte &c.

Diem clauſit extremum poſt mortem felonis.

When the king hath the lands of the wife, by reaſon that her huſband was outlawed for felonie, then after the huſbands death the Diem clauſit extremum is ſuch.

Quia A. cuius terr̃ & tenementa quæ ipſe tenuit de iure & hæreditate N. nuper vxoris ſuę, adhuc ſuperſtitis, ad manus domini E. nuper Regis Angl' 4. poſt conqueſtum, occaſione cuiuſdam vtlagariæ in ipſum A. p̃ quadam felonia, vnde indictatus fuit, vt dicit, p̃mulg', deuener̃, in manu dom' H. &c. patris noſtri extiterunt, & ſic in manu noſtra exiſtunt, diem clauſit extremum &c. Tibi præcipimus, quod per ſacramẽt̃ &c. inquiras quæ tenẽt̃, ratione felonię p̃d̃, ad manus ipſorum nuper Reg' deuener̃, & adtunc in manu noſtra ſic exiſtunt, & de quo vel de quibus teneantur, & per quod ſeruitium, & qualiter, & quo modo, & quantum terr̃ & tenẽta illa valeant per annum in omnibus exitibus iuxta verum valorem eorundem, & quis vel qui terras & tenementa illa à tempore perpetrationis felonię p̃d̃ occupauit, vel occupauerunt, & exit̃ & proficua inde percepit vel perceperunt, quo titulo, qualiter, & quo modo, & inquiſit̃ &c.

Nihil ſimul & natum & perfectum.

WILL. WEST.

An Addition of ſome Engliſh Pleadings to be practiſed, and in vſe for cauſes determinable in the K. Maieſties moſt honourable Court of EXCHEQVER.

An Information againſt Intruders into the Kings lands, vnlawfully.

To the right Honourable Sir I.C. Knight, Chauncellor of his Maieſties Court of Exchequer, Sir L.T. Knight, Lord chiefe Baron of the ſame Court, and to the reſidue of the Barons there.

SHEWETH and informeth your Lordſhips Sir F.W. Knight, Sect. 1
Attorny generall of our Soueraigne Lord King Iames, That whereas his Maieſtie is ſeiſed in fee in right of his Highneſſe Crowne of England, of and in fiue acres of land, arable and paſture, now in the tenure of H.C. And of and in two acres of land arable and paſture, in the tenure of T.W. And of and in two acres of paſture land, lying in Popes ſtreet in the tenure of E.R. abutting vpon the lands of our ſoueraigne Lord the Kings Maieſtie, on the South: All which were late the lands and poſſeſſions of one H. R. deceaſed. And alſo of and in a meſſuage or tenement, with the appurtenances, and a parcell of land, meadow or paſture, lying at Popes ſtreete aforeſaid, in the pariſh of Eltham, in the tenure of the aforeſaid E.R. which ſaid premiſſes laſt recited, were ſometimes the lands and poſſeſſions of one I.C. late of Eltham deceaſed: And one meſſuage with the appurtenances, lying in the towne of Eltham aforeſaid, in the tenure of W.H. ſometimes the lands and poſſeſſions of I.P. alſo deceaſed. All which foreſaid premiſſes with their appurtenances, are ſcituate within the countie of Kent. And of and in a parcell of ground containing two acres or thereabouts, lying in Lambeth in the County of Surrey, vpon which ground a great Barne called the Tyth Barne of Lambeth ſtandeth, which ſaid paſture ground extendeth from a great gate ſcituate in Lambeth Marſh, lying in the North-eaſt end & ſo towards the South, and to the common Sewer nere adioyning to the Orchard of the Lord Archbiſhop of Canterbury his grace, in the tenure of C.W. Wintner, or his aſſignes. Neuertheleſſe the ſaid E.R. W.H. & C.W. without title reſpectiuely, haue vnlawfully intruded,

entred into and vpon the forsaid messuages, and other the premisses, that is to say, the said E.R. hath entred into the lands and tenements aforesaid, being in her owne tenure, and in the tenures of the said H. C. I. C. and L. B in Eltham aforesaid, and the said W. S. and C. W. hath entred into the landes and tenements in their owne seuerall tenures aforesaid, and the issues and profittes thereof yearely comming and renewing, from the first day of Aprill in the said first yeare of the said Kings Maiestie that now is, vntill the day of the date of exhibiting of this Information, haue and doe receiue and take to their owne proper vses and behoofes, or to the vse or behoofe of some or one of them, and yet doth, without any thing paying yearely to his Maiestie for the same, to the disherison of his Maiestie in the premisses: wherefore his Maiesties said Attorney generall prayeth the consideration of this Court in the premisses, and that the said Elizabeth R. William S. and C. W. may answer the premisses, and to shew by what right or title they hold the same, and for that purpose to award his Maiesties gratious Writ of Subpœna vnto them, and either of them for to be directed, commaunding them and either of them to be and to appeare before your Lo. in his Pa. high Court of Exchequer Chamber, then and there for to answer & be ordred in the premisses, &c.

An Information against disturbers, wasters, and spoilers of the Kings game, within one of his Maiesties Parkes.

Sect. 2. SHeweth and informeth your honors Sir H. H. Knight and Baronet his highnesse Attorney generall, That whereas his Maiestie is lawfully seised in his demesne as of fee, in the right of his Crowne of England, of, and in one Parke called Hought on Parke, and the Lodge there, within the countie of Bedford, as parcell & member of his highnesse honor of Ampthill in the said countie of Bedford: and that his said Maiestie, and all his progenitors Kings and Quæns of this his realm of England, and their assignes, haue continually held and enioyed the same Parke and game of Fallow Deere, and the game of Conies, and all woods, vnderwoods, profites, and commodities whatsoeuer, comming or arising of or in the said Parke and Lodge, without any disturbance title or claime made, or pretended thereunto by any person, vntill about some foure moneths last past one G. C. gent. and E. his wife, E. C. gentleman, C. C. gentlemã, L. L. L. H. I. D. W. S. T. P. H. C. and diuers others yet vnknowne, to the number of twentie persons, haue confederated and combyned themselues together, to make spoile and hauocke of his highnesse said game of Deere and Conies there being within the said Parke, and to wast, cut, digge vp, spoile, and carrie away his Maiesties trees, woods, and vnderwoods, growing and being within the said Parke, without any right or title, and haue sold, taken,

and

and carried away the Hay which was prouided for the maintenance of the Deere this Winter season, to the great losse and preiudice of his Maiestie, and to the vtter destruction and spoile of his highnesse said game of Deere and Conies, woods, vnderwoods, mounds, and fences of the said Parke, if present remoue may not be had of the said disordred and vnruly persons, and euerie of them, And for that many of the said spoiles are done secretly and in the night season, so that there can be no direct proofe to proue the same, and so the same cannot be discouered, vnlesse by their oathes they shall declare the truth. May it therfore please your good honors to grant his Maiest. most gratious writ of Subpœn̄, to be directed vnto them and euerie of them, therby commanding them and euerie of them, at some day, vnder some paine therein to be limited, personally to appeare before your honors in his Maiesties said Court of Exchequer chamber, then and there to answer the premisses, and to set downe vpon their oathes what estate they or any of them claime in the same Parke and Lodge, and by what colour of title they haue intruded into the same, and what Conies they or any of them haue killed in the same Parke within foure moneths now last past, and by what warrant, and by whose meanes, perswasion & procurement, and what trees, woods, or vnderwoods they or any of them haue felled, lopped, cut or carried away in the said Parke within the time aforesaid, & by what warrant, title, or colour of title, and what Hay prouided for the Deere there, they or any of them haue sold or carried away. And withall to graunt his Ma. most gratious writ of Iniunction, thereby cōmanding them & euery of thē, not only to forbeare all further outrages, hauocks, & spoiles in ỳ said Parke, but withall to leaue the quiet possession vnto such as it shall please his Ma. to appoint kēpers and ouerseers of ỳ said park, & further to stand to such order concerning ỳ premisses as to your honors vpon the hearing of the cause shall seeme mete.

A Bill exhibited by a Collector, against two persons that confederated to defraude the Plaintife &c.

To the right hon. T. Earle of Suffolke, Lord high Treasorer &c.

HVmbly compl. sheweth vnto your good Lo. your daily orators C. S. of Cawston in the countie of Norff. gent. collector of ỳ rents of our soueraign Lo. the K. Ma belonging to the late dissolued Monastery of Horsham Saint Faithes in the county of Norffolke, and E. S. his sonne, one of the Clerkes of W. H. Esquire, one of the Auditors of his Maiesties Exchequer, That wheras one R. H. late of Dalgraue in the countie of Suff. publique Notary deceased, did in his life time vsually lend and let out money at interest, and did oftentimes take bonds & assurances for his mony to & in the names of other men, whose

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names he vsed sometimes without their p̄rintie or knowledge, and sometimes with their p̄rintie or knowledge. But yet neuertheles although the bonds and assurances were taken to and in their names, yet their names were vsed in trust by the said R. H. and the bonds aforesaid, and the debts therein conteyned were the debts of the said R. H. in equitie, and to him due and belonging: And whereas the said G. S. and E. S. did borrow of the said R. H. the summe of fowre score pounds, and for the payment thereof your Orators entred into seuerall bonds to one A. S. seruant of the said R. H. and the bonds aforesaid remained in the custodie or commaund of the said R. H. and your Orators paid to the said R. all the said summe of fowrescore pounds, except xx. li. therof, and the said R. deliuered vp to your Orators all the said bonds, except one to be cancelled and made voyde, and your Orator G. being cosin to the said R. H. he the said R. did often tell your said Orator that he meant to make your Orators one of his executors, and that hee meant to bestow much vpon your Orator, by reason whereof your Orator did not pay the said twentie pounds, nor the said R. H. neuer demaunded the same, he p̄poling, as your Orators verily thinke, to bestow the said twentie pounds, and much more, vpon your said Orator. And the said R. H. made diuers Wills, in which Wills he gaue your Orators, and eyther of them diuers legacies, and thereof made your Orator G. his executor, and about May, one thousand fiue hundred and thirteene the said R. H. died. But now so it is, may it please your good Lordships, That one W. B. of Wingfeild in the countie of Suff. hauing gotten into his handes or custodie the said wills and bonds, and other goods and chattels of the said H. hee the said W. B. p̄tendeth, and giueth out in speeches that the said R. H. before his death made a later will, and that he made him the said B. his executor, and that the said H. began the same will, and that that he the said B. did finish the same, whereas in truth the said p̄tended will was not finished in the life time of the said R. H. but if euer the same was finished and sealed, it was done after the death of the said R. H. And hee the said R. H. appointed diuers legacies to be giuen to your Orators, which are wholly omitted out of the said last p̄tended will. But the said W. B. giueth out in speeches, that the said R. H. appointed him by word to deliuer vp the said Bond to your Orator to be cancelled and made voyde. And the said W. B. and A. S. although they know all the p̄misses to be true, and they both well know that the said twentie pounds was in equitie due to the said R. and was his proper debt, and not a debt due to the said A. And that the said R. H. did so accompt the same, and did make a note in writing, in which all or the most of

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his debts were contained, and in the note aforesaide, the said debt of your said Orators is contained: and although the said R. H. gaue the said A. lands worth thirtie pounds by the yeare, and a legacie of one hundred pounds, yet he did not giue him the said debt due by your said Orators, nor did purpose that he should haue the same. And the said W. B. and A. S. although they know all the premisses to be true, yet neuertheless, they the said W. B. and A. S. by combination and confederacie betweene them, doe practise and goe about, not onely to defraud your Orator G. of his Executorship, and both your orators of all the legacies and things to your orators appointed to bee giuen and deliuered, as aforesaid, but also to charge your orators with the said debt of twenty pounds, and with the penalty of the bond aforesaid: And to that purpose, by, and vpon the combination aforesaid, they the said W. B. and A. S. threaten to commence and prosecute suit against your orators, vpon the bond aforesaid and to recouer the penaltie thereof against your orators, contrarie to all right and equitie. And he the said W. B. hath wholly omitted out of the said pretended Will and Testament by him drawen as aforesaid, all the legacies and things aforesaid, appointed by the said R. H. to be giuen and deliuered to your orators: And hauing beene by your said orators oftentimes required to deliuer him the Will, wherein your Orator G. was named executor: And also let your orators know what legacies and things the said R. did appoint to be put into the said Will for your said orators, and what things he appointed the said W. B. or any other, to giue or deliuer to your said orators, yet so to doe, he the said W. B. hath denyed and refused, and both deny and refuse: And although your orators haue oftentimes desired the said W. B. and A. S. to deliuer vp the bond aforesaid, to your said orators to bee cancelled and made voide, yet so to doe, they the said W. B. and A. S. and either of them, haue denied and refused, and yet doe deny and refuse, contrarie to all right, equitie and good conscience. In tender consideration whereof, and for as much as your Orators haue no sufficient matter at the Common Law to plead in barre of any action, to be commenced or prosecuted at the Common law, vpon the said obligation, but are altogether remediless herein by the strict course of the Common Law and forasmuch as your orators cannot certainly know, what legacies and things were giuen to your said orators by the said R. H. nor what things he appointed his said executor to giue or deliuer to your said orators, but hopeth that the said W. B. will declare the trueth thereof vpon his othe. May it therefore please your good Lo. the premisses considered to grant to your Orators the Kings Maiesties most gracious writ of Subpoena, to be directed to the said W. B. and A. S. commanding

manding them and euery of them thereby at a certaine day and vnder a certaine paine therin to be limitted personally to be and appeare before your Lo. in his Maiesties high Court of Exchequer Chamber, then and there to answer the premisses, And to stand to and abide such further order and direction therein, as to your Lo. shall seeme to stand with equity and good conscience, And your Orators shall daily pray &c.

A Bill preferred by the Kings Patentee, being tenant for life of certaine Offices and Fees against two persons that would frustrate the Kings Letters Patents thereof made, to the prejudice of the Kings title, &c.

To the right Hon. Sir I. C. Knight, &c.

Sect. 4

COmplaining, sheweth vnto your honors your daily Orator T. L. Esquire, one of the Gentl. of his Ma. priuy chamber, and I. H. of Gent. That whereas his Ma. that now is, and others his highnes predecessors, kings & quenes of this his Ma. realme of England haue bin seised to them, their heires and successors, as of fee and right as in the right of his Ma. crown of Eng. of, in, and vpon the office of his ma. castle of S. within the county of Y. and also of, in, & vpon the office and offices of the porter and keeper of the gate of the said castle, and of, in, and vpon the offices of keeper of his ma. garden and orchard belonging to the said castle, and of, in, and vpon the office and offices of Bailiffe of S. in G. within the said county, and of, in, and vpon the office and offices of clerke of his Ma. seuerall courts of S. and S. aforesaid, and of, in, & vpon ỳ seuerall fees, wages & allowances to the said offices respectiuely seuerally belonging, & of, in, and vpon a certain parcel of ground in S aforesaid, called the C. G. & of, in, & vpon a certain parcel of land lately inclosed within the walles of the said Castle, all which said premisses were sometimes parcell of the possessions of his Maiesties Dutchy of Yorke. And his said Maiestie being seised of the said Offices, and of, in, and vpon all and singuler the premisses, as aforesaid, by his high Letters Patents, bearing date at Westminster the eight day of November, which was in the eleuenth yeare of his said highnes reigne, amongst other things for the consideration therein mentioned, of his especiall grace, certaine knowledge, and meere good will, for his said Highnesse his heires and successors, did giue and graunt vnto your said Orators the said Office of Constable of his Maiesties said Castle of Sheriffehutton, and also the said Office and offices of Porter and keeper of the gate of the said Castle. And also the said office and offices of keeper of his Maiesties Garden and Orchard belonging to the said Castle. And also the said office & offices of Bailiffe of Sutton in Gal-

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tres aforesaid: And also the said Office and Offices of Clerke of his Maiesties seuerall Courts of Sherifhutton and Sutton aforesaid. And also the seuerall fees, wages, and allowances to the said Offices seuerally and respectiuely belonging together with the said two seuerall parcels of land, with all and singular their appurtenances. And also by the said letters patets, hath made, constituted & appointed your said orators Constable of his Ma. said castle of S. and also porter and keeper of the gate of the said castle, and also keeper of his M. said garden and orchard, and also Bailiffe of S. in C. aforesaid, and Clerke of his Ma. seuerall courts of S. and S. aforesaid, to do, performe, fulfill, and execute all & euery thing and things touching & concerning the said seuerall offices or any of them. To haue, inioy, exercise & occupy the said offices and either of them with their appurtenances, and all & singuler other the recited premisses to your said orators, & either of them aswel by him or themselues, as his or their sufficiēt deputy or deputies, during the lines naturall of them your said orators and either of them. And moreouer his said M. of his more ample grace & certain knowledg, and of his meere good will hath giuen & granted for himselfe his heires and successors to your said orators & either of thē for the said offices, exercising & occupying certain wages & fees by the yere, yerely to be receiued & taken forth of the issues, rents, farms, reuenues & profits of his Ma. said Lo. of S. aforesaid from time to time coming, increasing or arising by the hands of his said Ma. generall receiuer of the county of Y. aforesaid for ỳ time being, at the feast of S. Ph. the Arch. & the Annunciation of our blessed virgin M. to be paid during the lines natural of your said orators & the longer liuer of them together vō all other the wages fees, allowances, liueries, diets, profits, comodities, aduātages, authorities liberties, places & preheminiences whatsoeuer to the said seuerall offices of right due accustomed, belonging, or appertaining, or heretofore perceiued or had by any person or persons whatsoeuer by reason of thē or any of thē. And further his said Ma. by his highnes said letters did for himselfe his heires & succeff. giue & graunt to your said orators & their assignes & either of thē all & singular the amerciaments, fines, perquisits profits & estreats of the courts of viewes of Frankpledge, together vō all & singular tattels, waiues, estrays, felons & fugitiues goods arising, chaneing or hapning within ỳ manor or lo. of S. aforesaid. By vertue whereof your said orators entred into ỳ said offices & other ỳ premisses and were thereof seised in their demeine as of freehold, viz. of the said lands and grounds in their demeine as of freehold, and of the said seuerall offices respectiuely as of freeholde right, and had and exercised the said seuerall offices by themselues or their sufficient deputie or deputies. But now so it is if it please your good honors, ỳ one Sir I. W.

of

of Sutton aforesaid, knight, W. B. of L. within the Countie aforesaid Esquire, L. W. of Sheriffhutton aforesaid, Gent. I. of L. aforesaid yeoman, and of Sutton aforesaid, yeoman, vpon purpose as it seemeth not only to frustrate the said Letters patents, but also to preiudice and ouerthrow his Maiestie in his said inheritance, haue of late, viz. vpon the fire and twentieth, seuen and twentieth, eight and twentieth, nine and twentieth, and thirtieth dayes of Aprill now last past, and vpon the first day of this instant moneth of May entred into, vsed, and exercised the said Offices of Constable of his Maiesties said Castle, and the said office of Porter or keeper of the said gate, and the said office of Bailiffe of Sutton aforesaid, and the said Office and offices of Clerke of his Maiesties said seuerall Courts, and had, receiued and taken the seuerall fees, wages, and allowances thereunto severally and respectiuely belonging as aforesaid. And they or some of them haue seised vpon or gotten into their or some of their hands, custody, or possession, the Court Rols, Court bookes, and other the Records and copies of the Rolls of the said Court and courts, purposing to suppresse and conceale them from your saide Orators, by reason whereof his said Maiestie is greatly indaingered to bee disinherited, and your said orators Letters patents annihillated: and the saide Sir I. W. knight, W. B. L. W. I. and being not herewith contented to vse and exercise the said seuerall fees and allowances thereunto belonging and appertaining, and will by no meanes permit or suffer your said Orators, or either of them, their, or either of their sufficient Deputie or Deputies, to haue, vse, and enioy the said seuerall Offices, or any of them, according to the purport, true meaning, and intent of the saide Letters Patents, but giue forth in speaches, that your Orators, or either of them haue not any right in, or to the saide seuerall Offices, or any of them, but that they or some of them haue good right and title therein, and that they or some of them will vse and exercise the saide Offices, and take the seuerall fees and allowances therewith accustomed. In tender consideration whereof, the premisses considered, May it therefore please your good honours, to graunt vnto your said Orator, his Maiesties most gracious Writ of Subpœna, to bee directed to the said Sir I. W. knight, W. B. Esquire, L. W. I. and , and euerie of them, commanding them and euery of them thereby at a certaine day, and vnder a certaine therein to bee limitted, to be and personally appeare before your good honors in his highnesse Court of Exchequer Chamber, then and there to answere the premisses.

An Answer to a Bill of Complaint, that the Defendant doth not wrongfully keepe the Plaintife out of possession, reciting the customes of Copiholders belonging to a manor within the Countie of the Citie of Glouceſter.

ALl aduantage of exception to the vncertainty and insufficiencie of the said Bill of complaint to this defendant being now and at all times hereafter saued, she this said def. for answer vnto such and so many of the matters in the said Bill conteyned, as doe or may concerne this def. to be by her answered vnto, saith that she thinketh it to be true that the lands and tenements in the bill mencioned now in the tenure or occupation of this def. are and by all the time whereof the memory of man is not to the contrary, haue been copihold lands, parcell of the manors of Upton, S. Leonards in the countie of the citie of Glouc. and demised and demisible by copie of Court Roll of the said manor, according to the custome of the same manor, and that by and according to the customs of the said manor by all the time aforesaid vsed and approued within the same manor, the wife of euerie copiholder dying seised of any copihold landes or tenements parcell of the said manor hath had and enioyed, and ought to haue and enioy the same lands and tenements whereof her husband died seised, for and during her widowhood, and that by the same custome when any lands or tenements parcell of the said manors haue been graunted by copie of Court roll of the said manor to diuers persons, the person first named in the said copie hath had and ought to haue and enioy the same during his life. And this def. further saith, that she doth thinke it to be true that C. Lord Chandos deceased was in his life time lawfully possessed of ỹ said manor of W. Saintlo for diuers yeares then to come and vnexpired, And that he the said L. C. so being possessed thereof, in or about the second yeare of the raigne of our late soueraign Lady Qu. Eliz. at a court holden at and for the said manor by his then Steward of the said manor, did by copie of court roll of the said manor graunt the premisses to Wil. W. deceased this defendants late husband, and I. W. his sonne for their lines successiuely at the will of the Lord according to the custome of the said manor, and that the said W. was then admitted tenant of the premisses accordingly, and that by vertue thereof the said Wil. W. was seised of the premisses in his demesne as of freehold, for the terme of his life at the will of the Lord, according to the custome of the said manor, And that the said Will. W. so being thereof seised about foureteene yeares last past, did marrie and take to wife this defendant, And afterwards about fiue yeares last past the said William

Sect. 5.

died

died so seised of the premisses by and after whose decease this defendant into the premisses entered, and held her selfe, and yet doeth hold her selfe in the same, according to the custome of the said manno^r, and hath taken, and doth take the issues and profites of the premisses, as lawfull it was and is for her to doe as shee taketh it, without that that (to this defendants knowledge) the premisses or any part thereof are, or is, or ever were or was parcell of the manno^r of Barton Abbots in the bill mencioned, or that this Defendant doeth vniustly holde or keepe the possession of any landes, or tenements from the Complainant, as in and by the said bill is supposed. And this defendant denieth that shee hath, or ever had any Charter, Deed, Lease, euidence, booke, account, Court roll, Rentall terrer or minument touching the said manno^r of Barton Abbots, or any part thereof.

An Answere of three Defendants supposed by the Plaintifes Bill to haue no lawfull title to the Lands mentioned in the Bill: which Answere was taken by Commissioners and returned.

Sect. 6

The said Defendants sauing to themselues now and at all times hereafter all benefit and aduantage of exception to the incertaintie and insufficiency of the compl. said bill of complaint for answere thereunto they ioyntly and seuerally answer and say, That before the making of the supposed lease in the bil mencioned, our late soueraigne Lady of famous memo^r Q. Elizab. was in her life time seised in her highnes demesne, as of fee in the right of her late highnesse crowne of England, of and vpon al that her highnes part of 2. parts in 5 parts dinided of the herbage & pannage of the parks and premisses in the bill mentioned. And being therof so seised before the time in the bill mencioned, did by her late highnes letters patents vnder ỳ great S. of Eng. demise the same vnto these def. by the name of all ỳ her late highnes part of 2. parts in 5. parts dinided of the herbage and pannage of al these 3. parks at R. in the With. of D. called the east park, the middle park, and the west park. And also all ỳ part of 2. parts of 5. parts dinided of one close called horseclose, alias the Crowes in ỳ said county of D. And also all that part of 2. parts in 5 parts dinided of ons grange or farme called the high wod of L. in the said With. of D. All which premisses with their & euery of their appurtenances then or lately before were in the tenure or occupation of I. D. Gent. or his assignes, & parcel of the possessions of C. late earle of W. attainted of high treason. And al houses, edifices, buildings, barns, stables, douecots, yards, orchards gardens, lands, medowes, feedings, pastures, cõmons, & al other profits cõmodities, aduantages, & emolums whatsoeuer to the said before demised premisses, or to any part or parcell therof in any wise belonging

or

or appertaining, or w̄ the same or any part or parcel therof (vnder ẏ seuerall rents by ẏ said letters patēts reserued) had, knowen, accepted, vsed occupied & inioyed, with all & singular thappurtenances whatsoeuer (excepting alwais & reserving to her late M. her heires & succ. al timber trees woods, vnderwoods, mines, & quarries in the said premisses. To haue and to hold to the said M.D. thone of these def. and her assignes from the making of the said letters patents for the terme of her life, & after the death surrender or forf. of the said M.D. then the said premisses to remain to the said A.D. another of these def. & to his assignes for terme of his life. And after the death, surrender, or forf. of both the said M.D. & A.D. then the said premisses (except before excepted) wholly to remain to the said E.D and her assignes for the term of her natural life. Yelding therfore yerely to her late highnesse, her heires & successors for the said part of the said three parks, called the east parke, middle parke, and west park with the appurtenances 4.li.9.s.3.d. ob. and for the said part of the said close called the horseclose, alias the Groues with the appurtenances 3.s.4.d And for the part of the said Grange or Farme called the high wood of L. with thappurtenances 12.s. of lawfull English money at the Feastes of the blessed virgin Mary, and S. Mich. the archangel by euen and equal portions yearely during the seuerall termes afore said, to her late highnesse her heires and successors receiuer of the exchequer, or to the hands of the Bailiffe or receiuer of the premisses for the time being, and after the decease of the said M.A. and E. dying tenants in possession of the said premisses, then yelding and paying to her late highnes, her heires and successors 3.li. of lawfull money of England in the name of a hariot of them which shal so die, as by the said letters patents to which reference be had it doth & may more plainely and at large appeare. And these def. further say that by vertue of the same letters patents, the said M. thone of these def. together with her said husband entred to the said premisses demised, and she and her husband whilest he liued, and her selfe euer since enioyed the same, and payed the said rent reserued by the said Letters patents to her late Ma. vse, and to the Kings most excellent Ma. that now is since her late highnesse death. Wherefore these defendants humbly pray the Order of this honorable Court, for the quiet possession of the saide premisses, against the complainant, hauing heeretofore so many wayes vexed this defendant M. and the said I.D. her late husband deceased about the same without any iust cause or colour of right, as shee verily thinketh, but of purpose as they these defendants verely thinke to wearie them with continuall suites, the complainant being a man of great might and riches, and these defendants of farre meaner abilitie. And these defendants further say, that there haue beene seuerall suits in this honorable court, stirred vp by the complainant or by his means as they

thinke

thinke touching the title of the saide lease, and the same could neuer bee impeached. For which cause these def. humbly pray the consideration of this honorable Court for their quiet possession of the said premisses, and to be dismissed out of this honorable Court with their costes and charges, herein wrongfully had and sustained, without that the said late K. of famous memory Queene Elizabeth euer made any lease to the complainant of the said premisses, in the Bill which is good in Law, as these defendants verily thinke and are perswaded. Or that the complainant is by force thereof seised and interessed in the same or ought to haue and enioy the possession of the said premisses, as in the bill is alleadged. Or that these def. haue no right to the said premisses, as in the bill is alleaged. Or that the complainant hath hitherto well and truely paid the said yearely rent reserued by his pretended graunt for the said premisses to these defendants knowledge. Or that the same is any thing material to these def. Or that any other matter, article, or thing in the said Bill of complaint contained materiall or effectuall in the Law to bee answered vnto, and herein not sufficiently answered vnto, confessed and auoided, or otherwise trauersed or denied is or bene true. All which matters these Defendants are and will bee willing and readie to auerre and proone as this honorable Court shall award, and humbly pray as before they haue prayed.

An Answer of an Vnder Sheriffe to a Bill exhibited against him and others for corruption and deceitfull dealing in his Office.

Sect. 7

ALl aduantages of exception to the incertaintie and insufficiency of the said bill of complaint, and to the person of the said T. I. the Pl. a man notoriously knowen for his turbulent spirit, who by the space of many yeares hath pestered and vexed many persons with many vniust suits and troubles, and who by his owne shewing in his said bill was a competitor and confederate with the said W. T. and B. to couer the corruption which he laieth to the charge of the said T. and to defraud the R. Ma. of the said 20. li. mencioned in the said bill, if his highnesse had any right thereunto as the said compl. in his said bill pretendeth hee had, but rather to defraud the said Bish. of B. wherin the pl. hauing a purpose by obtaining of the said T. acquitance out of the hands of the said B. & C. to take vp & get into his own hands & possession frō ẏ said T. the foresaid 9. li. mentioned in the same acquitance. It is very like he meant therupō to cōuert it to his own vse making little care of his said band, so he might haue gott ẏ said 9. li. into his possessiō, & now he lieth in prison by proces awarded against him vpō his said band, for ẏ he hath neither paid ẏ said

nine

nine pounds, nor receyued the said acquittance, as this defendant is credibly informed. To this defendant, for answere to so much of the said Bill as concerneth this defendant saith, That true it is that this defendant was vndersheriffe to the said Sir I. P. in the fift yeare of the Kings Maiesties raigne, and did execute the same office vnder the said Sir I. P. during his said office of high Sheriffe. But this defendant saith, that such processe as issued out of this Court, and the Pipe office, vnder the titles and names of Oreenshare, Summons of the pipe, et de finibus, et de debitis reculcatium, and estreats and gathering vp for leuying of fines, forfeitures, issues, amerciaments, debts, and such like leuiable by such Chequer proces, as aforesaid within the said County of Somerset, directed to the said late Sheriffe, were by him or by his appointment, deliuered ouer to the said W. T. a man of good credite and well acquainted in those services, vnto whom the said Sir I. P. had giuen warrant for the due executing of the same processes and estreates: the same T. hauing giuen good securitie by bond to the said Sir I. P. for the due collecting and leuying of all the particular summes giuen in charge vpon the said proces and estreats, which should be leuied by him. As also for the making and passing of a true and perfect account in this honorable court, concerning the same. And that which concerned other matters and proces out of this honorable Court, directed to the said late Sheriffe, which came to the handes of this defendant, he this defendant did execute and returne the same to the good satisfaction of the said Court, and of the officers and ministers thereof, whom or whose offices the same concerned. And this Defendant confesseth, that this defendant and the said T. at the day prefixed as ministers of the said Sheriffe, for him and in his behalfe, were sworne in this honorable Court, to make vnto his Maiestie a true and iust account of the issues of the said Sheriffewick of the said Sir I. P. which this defendant did accordingly, for all such receits & matters of account answerable in this honorable court, as passed through his hands or dealings. But for the matters concerning the said Recognisances, and other debts and matters of that name and qualitie, committed to the said W. T. the same W. T. vpon his said oath did yeeld account for those, in such sort as in the record of the said account appeareth: which account, for any thing this defendant knoweth to the contrary, was and is true and iust. And if it were not, yet is not this defendant to be troubled or called into question for the same, for he vtterly denieth that he was or is guilty of any purpose of concealement of the said twenty pounds, or of the nichilling of any of the said summes mentioned in the said Bill of Cõplaint, or of any of the confederacies, abbetments, concealements, cõtempts, frauds, decripts or

corruptions, wherewith he is charged in the said bill of complaint, as in the same bill is surmised. And as to the setting quer of the said summes of twenty pounds vnto the said R. C. Bayliffe of the said Bishoppe of Bathe and Welles, this Defendant thereunto saith, that the same was not done by him, nor by any meanes of his, but he saith, that the same was done vpon true, iust, and lawfull cause, and that the same belonged to the said Bishop. And without that, that any other matter or thing materiall or effectuall for this Defendant to answere vnto, and not herein confessed or auoided, or not denied, is true. All which this defendant is ready to auerre and prooue, and prayeth to be dismissed with his costs.

An Answere to a Bill wherein the Plaintiffe suggesteth that the Defendant ow'th service to the Plaintiffs Mill.

The Answere of T. B. one of the Defendants, to the Bill of complaint of W. B. and S. B. Complainants.

Sect. 8. The said Defendant, all aduantage of exception to the vncertaintie and insufficiencie of the said Bill of complaint to this defendant, now and at all times hereafter saued for answer thereunto saith, that true it is, that the Kings Maiestie was seised in this demesne, as of fee, of, and in one water Corne mill in Kirkoswold aforesaid, and likewise of and in the manor of Kirkoswold, with a Court Baron of common right belonging to the same, to be holden from three weekes to three weekes before the Steward there: at which Court so to be holden, it hath been vsed and accustomed, time whereof the memorie of man is not to the contrary, that the homage of the said Court did make, constitute, and ordaine Bylawes and Ordinances for the common good of the tenants and inhabitants of the said Manor. And the Kings Maiestie so being seised, by his highnesse letters patents, bearing date at Westminster the fire and twentith day of June, in the eight yeare of his Maiesties raigne of England, did demise and grant the said Manor and Court Baron, with other the appurtenances (only excepted and foreprised the Parke and Mill of Kirkoswold aforesaid) vnto I. C. and W. W. of London Esquires for three score yeares immediatly from the date of the said Letters Patents, yeelding and paying therefore yeerely, during the said terme, the rent of nine pounds, two shillings eight pence. By force of which Letters Patents, the said I. C. and W. W. of the said Manor and premisses, were possessed for the terme aforesaid. And so being possessed did by their deed indented, bearing date the seauen and twentith of June, in

the

the eight yeare of his Maiesties raigne, grant and assigne vnto this defendant, the said Letters Patens, and all their interest and terme of yeares which they then had in the said manor and premisses. By force of which grant and assignement, this defendant entred into the said Manor, and now is possessed thereof, for the terme aforesaid, and doth dayy pay to the Kings maiestie, the said yearely rent of nine pounds, two shillings, eight pence, reserued vpon the said Lease. And this defendant further saith, that the Kings maiestie that now is, being likewise seised in his demeane, as of fee, of, and in, one fulling Mylne within the said Manor of Kirkeswold, did grant the same by his Letters Patents, vnto E. F. and F. P. and their heires, rendering yearely fiue shillings eight pence vnto the Kings Maiestie, and his successors. By force whereof, they the said E. F. and F. P. were of the said mylne seised in fee, and so beeing seised by their Indenture dated the seuen and twentith of May, in the tenth yeare of his highnesse raigne, and inrolled in his highnesse Court of Chauncery, did bargaine and sell the said mylne vnto this defendant and his heires. By force whereof, this defendant entred into the said mylne, and is thereof now seised in his demesne, as of fee, and for diuerse years last past, this defendant hath duly paid to the Kings Maiestie, the said rent or fee Farme of fiue shillings eight pence for the said Mylne. And yet this defendant in all that time hath receiued no profit or commoditie there by the same, be ruinous and greatly in decay. And likewise diuerse other mylnes of the like nature hauing been newly builded, and erected neere vnto the same, so that very little worke or sacken come or will come to the said mylne. And whereas the Complainants in their said Bill of complaint doe alleage, that this Defendant and others in the bill named, doe intende and goe about to erect and builde another mylne in Kirkeswold, in the preiudice of the Complainants mylne: This Defendant answereth and saith, that true it is, that he doth intend and purpose (as he hopeth hee lawfully may) to re-edifie and build anew the said decayed fulling mylne. And likewise he must confesse, that he hath giuen forth some speeches, that towards the charge thereof, hee would adioyne and aaner a priuate Corns mylne thereunto for the grynding of his owne Corne. But this Defendant saith, that as yet hee hath not framed or layde any foundation thereof, which wordes were occasioned and spoken by reason that this Defendant, hauing formerly for the most part vsed to send all his Corne and graine to the Complainants Mylne, the same hath beene very euill vsed in grinding, and excessiue multure taken thereof. And though this defend. hath many times in freendly maner cõplained therof to the now compl. or to one of them,

yet the same hath beene no way amended or reformed, whereupon this defendant now of late hath been forced for the grinding of his Corne, to carry the same to a myne two or three miles distant from his place of dwelling, to the great trouble and inconvenience of this defendant. Wherefore these things duely considered of, and prooued to this honourable Court, this defendant hopeth that this Court will not prohibit or hinder this defendant, if hee be disposed or determined from annering vnto the said Fulling Myne a private Corne Myne, or for altering the same into a Corne Myne for the Defendants private vse, and grinding of his owne Corne, the trade of fulling being much decaied, and the said Fulling Myne being ruinated as aforesaid. And the rather, because this defendant being farmor of the said Manor vnto the Kings Maiestie for the terme aforesaid, is not bounde or tyed vnto the Complainants myne. And likewise the tenants of the said Manor, are not bound, neither doe they owe of right any suite, seruice, multure or soake vnto the Complainants Myne, as this Defendant hopeth to proome vnto this honourable Court, for the building whereof, this Defendant humbly referreth himselfe vnto the iudgement of this Court. And this Defendant saith further, that some Freeholders of the said Manor, since the compl. pretended purchase of the said mine, haue builded and erected a new myne within the said manor, whereunto the complainants haue taken no exception, but do allow and approue the same, as hee verily thinketh. And diuerse Freeholders and tenants of the said manor, do grynde their corne at the said new erected myne: which maketh this defendant verily thinke, that the Bill of complaint now exhibited, is only vpon malice, and for vexation grounded (as this defendant is perswaded in his conscience) vpon an ancient spleene and grudge, that W. B. one of the Complainants hath a long time borne vnto this Defendant. And he is the rather induced so to thinke, because the said W. B. the Complainant, being a tenant of the said Manor, and inhabiting within the same, hath alwaies carried himselfe obstinately and frowardly vnto this defendant, being farmor of the said manor, and will not appeare & doe his suite at the court holden for the said manor, although he and his ancestors haue alwaies done suit to the said court, vntill now of late he will not answeare hereat, neither will he be subiect to the Statutes and Ordinances made by the homage of the said Court, according to the auncient vsage and custome thereof, nor pay any amerciaments assessed by the saide Court, contrarie to all right, and to the euill example of others without that the Kings Maiestie by his letters patents, did grant vnto the said E. F. and F. H. and to their heires, the

said

ſaid Coſme milne in Kirkoſwold, or that the ſaid Kings Maieſtie did grant by his ſaid Letters Patents, that he ſhould not build, nor ſuffer to be builded any other milne within ſuch a diſtance of the forſaide myline, or that the ſaid E. F. and F. P. did bargaine and ſell the ſaid myline vnto the ſaid Complainants, or either of them, in manner and forme as in the ſaid Bill is alleaged. And without that, that the ſuit, ſoake and multure of all the tenants and inhabitants of Kirkoſwold aforeſaid, doe belong, or of right appertains vnto the Compl. Myline, as in the ſaid bill of complaint is alleaged. And without that, that this defendant having a purpoſe and intent to defraude the complainants of the benefit of their myline, and to depriue them of the ſuite, ſoake, and multure to the ſame of right belonging hath framed any other myline there, or laid the foundation therof, as in the Bill of complaint is vntruly alleaged. And without that any other matter in the Bill alleaged, and herein not confeſſed auoided, traverſed, or denied, is true, that any other matters &c. All which matters &c.

An Anſwere to an Information pretending that the Defendants manor of B. is lyable for payment of a debt due to the King, with the Defendants allegations and matter of diſcharge, within the meaning of the Statute of 33. H. 8. cap. 39.

The ſeuerall and particular Anſwer of W. W. Eſquire, to the information of the right honorable Sir Francis Bacon, Knight, his Maieſties Attorney generall.

THe ſaid defendant ſaith, that he is Tertetenant and owner of the manor of Brimpton in the ſaid Information ſpecified, but he is not ſeiſed, neither is tenant or owner of any other the Parks, Manors, lands, or tenements therein mentioned. And as for the ſaid Manor of Brimpton, this defendant ſaith, that vnder the fauour of this honourable Court, the ſame is not lyable or ſubiect either in law or equitie to the ſaid debt of two thouſand pounds, ſuppoſed by the ſaid information to be due to his Maieſtie: as boroweed of the late Queene Elizabeth by the Earle of Eſſex, for this defendant ſaith, that it is true that the ſaid Earle of Eſſex was neuer ſeiſed of the ſaid manor of Brimpton, and in conſequently by the lawes and ſtatutes of this Realme, cannot be lyable to the debts of the ſaid Earle. And this defendant ſaith, that the true end and purpoſe, wherefore the ſaid manor among other things was paſſed by the late Queene to the ſaide M. C. K. W. and other the Patenters in the bill named, and vnto the ſaid Earle himſelfe, was that the ſame ſhould not be entangled Sect. 9.

with any of the debts or other incumbrances of the said Earle, but that Purchasors might the more freely and safely deale with the said Patentees for the same. And the freedom and clearenesse of the estate of the said Patentees, was the onely encouragement which drewe Purchasors on to buy the said landes conueyed vnto them. The said Purchasors knowing, or at the leastwise assuring themselues, that the that the said Earles owne lands, whereof hee stood then seised, were sufficient to pay his owne debts: and that therefore, neither his Maiestie, nor the late Queene, had any need to relieue themselues for the said debt in point of equitie. But for the better satisfaction of this honorable Court, this Defendant saith, that by meane conueyances the said manor of Brimpton was assured from the said Patentees to one T. J. Citizen and marchant Taylor of London, and to his heires, and that this defendant, for the cõsideration of one thousand pounds, or thereabouts of lawfull money of England, purchased the said manor of Brimpton of the said T. J. anno tricesimo septimo reginæ Elizabethæ, being now about twentie or one and twenty yeares past, and this Defendant doth hold the same of his Maiestie in fee farme by the yearely rent of nineteene pounds, fiue shillings, and three pence, and the same hath duely paid euer since the said purchase. And this Defendant further saith, that he doth not thinke, that the said debt of two thousand pounds is due to his Maiestie: For albeit by the Record in the said Bill mentioned it may appeare, that the same was borrowed of the late Queene, yet this Defendant is induced to beleiue, that the same was repaid againe, or imployed in the late Queenes seruice, or pardoned by her Maiestie. And this Defendant is the rather of that opinion, because it appeareth among the Records of this honourable Court of Exchequer, that in December Anno one thousand fiue hundred and tenne, it pleased his Maiestie to pay to the right honourable the Earle of Eller that now is, the summe of three thousand pounds in consideration of some summes of money due to the Earle of Eller his late Father, disbursed for the late Queenes seruice, which hath been against reason and equitie for the said Earle to haue demaunded, or received, if his Father had been truely indebted to his Maiestie in the said summe of two thousand pounds. And this defendant verily thinketh, that it cannot be a good matter against the said Record, to suggest that the said debt of two thousand pounds was then vnknowne, and so much the lesse may any such suggestion be made, because shortly after, there was a Bill of complaint exhibited in this honourable Court against the now Earle of Eller, and against Sir G. C. Knight: purposely to charge diuers manors of the said Earle of Eller that now is, lying and being in diuers Counties,

and

and the manors of Wakerings, lying in the Countie of Eſſex, being the ſaid Sir G. C. lately the inheritance of the ſaid Earle of Eſſex, in the ſaid bill mentioned with the ſaid debt of two thouſand poundes. And albeit the ſaid Manors were, and are of very great value, and might legally and moſt properly haue béene charged therewith if any ſuch ſumme had beene due, yet all the ſaid manors of the ſaid Earle were diſcharged of the ſaid pretended debt for the ſumme of one hundred pounds, and the ſaid Manors of Wakerings was diſcharged for the ſumme of fiftie pounds, as by the records of this Court, namely in the booke of Orders de decimo tertio Iacobi regis nunc among diuerſe other things moſt plainely it dooth and may appeare. For all which reaſons, that is to ſay, becauſe the ſaid Earle was neuer ſeiſed of the ſaid Manor of Brimpton, and the ſame was taken in the ſaide Patentees names of purpoſe to cleare it from all incumbrances of the ſaid Earle, as this defendant conceiueth: and that thereupon this defendant did for ſo great and valuable a conſideration, purchaſe the ſaid Manor, and doth pay a great yearely fee-farme rent for the ſame to his Maieſtie: and that in all probabiltie for the reaſon aforeſaid, his Maieſtie was in equitie rather indebted to the ſaid Earle, then the ſaid Earle, or his heires or aſſignes vnto his Maieſtie. And ſeeing the ſaid Earles owne lands, whereof he was ſeiſed, which were truely ſubiect to the ſaid debt, ought rather to haue been charged therewith then this defendants. And neuertheleſſe the ſame were diſcharged, being of very great value for ſo ſmall a ſumme as one hundred and fiftie pounds. This defendant hopeth it will ſtand with the equitie of iuſtice, and fauour of this honourable Court, that this Defendant, and the ſaid Manor of Brimpton, may be diſcharged of the ſaid pretended debt of two thouſand pounds, and of euery part thereof, and to allow the allegations aforeſaid to be good, perfect, and ſufficient cauſes and matters, in reaſon and conſcience, within the meaning of the Statute made in the three and thirtieth yeere of King Henry the eight, Cap. tricesimo nono, and in the vnderſtanding and wiſedom of this Court, to diſcharge the ſaid manor of Brimpton, and this defendant of the ſaid debt. Without that any other matter or thing in the ſaid Bill of complaint materially alleaged concerning him this defendant, and not hereby trauerſed and denied, or confeſſed and auoided, is true in ſuch manner and forme as in the ſaid bill is ſuppoſed. All which matters this defendant is ready to auerre and proue as this honorable Court ſhall award. And therefore prayeth to be diſmiſſed out of the ſame &c.

A Demurrer and answere by the Defendant, with the causes of such Demurrer in Law, that the Plaintife by his Bill hath not enabled himselfe to sue in this Court.

Sect. 10. THe said Defendant saith that the said Bill of complaint is very insufficient in the Law to be answered vnto, and such as this defendant for diuerse insufficiencies therein appearing, is not bounde by the Lawes of this his Highnesse Realme of England to make any answer vnto: And therefore this defendant with the fauour of this honorable Court doth demurre and abide in law vpon the insufficiencie of the said Bill of complaint. And doth demand iudgement, if he this defendant shall be compelled to make any answer thereunto: And for causes of Demurrer, this defendant saith, that the said complainant hath not by his said bill of complaint enabled himselfe to sue in this honourable Court, For the said complainant onely saith by his said bill of complaint, that he is fee farmer of the hospitall of Bontham in the said bill of complaint mentioned: And sheweth not vnder what fee farme rent he holdeth the same, neither that he is any waies indebted to his Maiestie for any arrerages of the said rent, nor disabled to pay the same rent. And it appeareth of the said complainants owne shewing, that by this suit the Kings maiestie shall receiue neither benefit nor preiudice, neither doth this suit any waies concerne either the said Hospital of Bontham, or the Kings Maiestie. And whereas the said complainant supposeth by his said bill of complaint, that he did discouer a title for his Maiestie to diuers lands, tenements and hereditaments in the countries of Kent and Essex to a great value, and that he did become a suitor to his Maiestie for a recompence for the same. This defendant thereunto saith, that the same is a generall allegation without any certainety of the names, places, quantities, quallities, or values of the said lands, which allegations, if the same were true, yet it was but the dutie of the said complainant to discouer the same. And that it was meerely his Maiesties grace and fauour to giue the said complainant recompence for the same, which the said complainant ought to take out of fauour, and not by any suit in Law or equitie in this honourable Court, or elsewhere. And whereas also the said complainant, in, and by his said bill of complaint setteth forth an agreement pretended to be made betweene him and the said complainant, and Sir E. H. knight, in the said bill named, and this defendant: And that the said Sir E. H. and this defend. by the said agreement should haue paid to the said complainant three hundred pounds for his charges and paines out of the first monies that should be receiued or had by

force of any compoſition, recouerie, or ſale of any the lands in the ſaid Bill of Complaint mentioned. This defendant thereunto ſaith, that the ſaid complainant ſheweth not that there was any money receiued, leuied or had by force of any ſuch compoſition, recouerie or ſale of any ſuch lands as the ſaid complainant ought to haue done, if he ſhould haue or demand the ſame. And whereas the ſaid complainant in and by his Bill of complaint likewiſe ſetteth forth, that the ſaid Sir T. M. and this defendant agreed to procure or cauſe to be conueied from his Maieſtie vnto the ſaid complainant, or to ſuch perſon or perſons as he ſhould appoint, certaine parcells of land in the ſaid Bill mentioned, without ſhewing any manner of auaile or conſideration to come to them the ſaid Sir T. M. or this defendant or either of them for procuring the ſame, neither doth the ſaid complainant ſhew any maner of equity to charge them or either of them, to procure the ſaid conueiance And whereas alſo the ſaid complainant by his ſaid Bill of Complaint ſetteth forth the ſaid agreement to be made betweene him the ſaid complainant and the ſaid Sir T. M. and this defendant ioyntly, this defendant ſaith, that the ſaid complainant hath not made the ſaid Sir T. M. any partie to this ſuit as he ought to haue done. And where the ſaid complainant alleadgeth by his ſaid Bill of Complaint, that he reſorted to this defendant to haue had the articles in the Bill mentioned, ſealed by him this defendant, and that he was directed by this defendant to leaue the ſame with this defendants ſeruant. This defendant ſaith, that ſaid complainant doth not ſhew with which of this defendants ſeruants he was directed to leaue the ſame, nor that he did leaue them with him this defendant or with any of his this defendants ſeruants. And where alſo the ſaid complainant by his ſaid Bill of Complaint hath laid a confederacie to the charge of this defendant and his ſeruant, for the keeping of the ſame articles from the ſaid complainant This defendant thereunto ſaith, that the ſaid complainant by his ſaid Bill doth not ſhew that the ſame were deliuered to this defendant or to any his ſeruant or ſeruants, as he the ſaid complainant ought to haue done. For all which cauſes this defendant doth demur and abide in Law vpon the inſufficiencie of the ſaid Bill of Complaint, and doth humbly demand the iudgement of this Court, if he this def. ſhalbe compelled to make any anſwer to the ſaid inſufficient Bill, neuertheleſſe if this def. ſhall be compelled to make any anſwer to the ſaid inſufficient Bill then and not otherwiſe, all aduantages of exception to all and euery the ſaid vncertainties and inſufficiencies, and to all other the vncertainties and inſufficiencies of the ſaid Bill to this def. now and at all times hereafter ſaued, this def. for anſwer thereunto ſaith, and doth vtterly deny that there were euer to this def. knowledge any

articles sealed by the said Sir T. W. to the said complainant, as in and by the said Bill of complaint is vntruely set forth and alleadged. And this def. denieth also that there were any such articles deliuered vnto this def. or vnto any of his this def. seruants to his this def. knowledge without that, that the said complainant to this def. knowledge hauing discouered any such title for his Maiestie as in the said Bill of Complaint is mencioned did thereupon cause an informacion of intrusion to be exhibited into this ho. Court, or that the said complainant at his charge in or about the time in the said Bill mentioned, obtained a verdict for his Maiestie in this court to this def. knowledge) as by the said Bill of Complaint is alleadged. And without that, that the said complainant to this def. knowledge, did resolue to vse any meanes to acquaint his Maiestie with any such discouerie, & to become an humble suter to his Maiestie for the hauing of any such Letters Patents as in and by the said Bill of complaint is surmised, or that the said complainant to that end or purpose did acquaint this def. or the said Sir T. W. therewith (to this def. knowledge) or that the said Sir T. W. and this def. by the complainants meanes did vndertake the said suit as by the said Bill of Complaint is vntruly set forth, or that thereupon the said Sir T. W. and this def. and the said complainant did come to any such agreement as by the said Bill is alleadged, or that the said Sir T. W. and this def. or either of them did agree, procure, or cause to be conueied from his maiestie to the said complainant or to any other person or persons whatsoeuer, any such lands as in the said Bil of complaint is surmised, or that the said articles were sealed by the said Sir T. W. or that the complainant did seale the counter part therof to the said Sir T. W. to this def. knowledge, as by the said Bill of Complaint is likewise alleadged, or that the said Sir T. W. and this def. haue procured any Letters Patents of the premisses to be granted from his Maiestie to C. and P. in the said Bill named, and their heires, vpon any such trust as by the said Bill of Complaint is alleadged. For this def. saith, that his Maiestie was graciously pleased to signifie his pleasure for the preparing of the grant to C. and P. long before this def. had any knowledge or acquaintance with the said complainant. And without that, that this def. and his seruant by confederacie or otherwise, doe keepe the same articles from the said comp. as by the said Bill is pretended. And without that, that any other matter, or thing in the said Bill of comp. contained, material or effectuall in the law to be answered vnto, & herein not sufficiently answered vnto, confessed & avoided, traversed or denyed, is true, all which matters this def. is ready to auer, maintain & proue as this ho. court shall award. And humbly praieth to be dismissed forth of the same, with his costs & charges in this behalfe most wrongfully sustained.

A

A demurrer and answer to a Bill wherein the defendants being Farmers of the Aulnage and Subsidie for Clothes are charged with vniust exactions by seet taken of Clothiers.

THe said defendants by protestation say, That the said Bill of Complaint exhibited against these defendants by the said seuerall complaints, and not onely in their owne names and on their owne behalfe, but also in the names and behalfes of manie others, for seuerall supposed wrongs done seuerally vnto them is not allowable either by the course of this honorable Court, or of any other Court of Law or Equitie, as these defendants by their counsell are informed, but each seuerall partie greeued ought seuerally to seeke his remedie and may not ioyne in one ioynt Bill of Complaint, as the said complainants haue now done: for which cause these defendants vnder the fauor of this honorable Court doe demur in Law, and humbly pray the iudgement of this honorable Court: Neuertheleſſe if these defendants shall be ordered to make any further answers vnto the said Bill, then and not otherwise the benefit and aduantage of exception to the vncertainties, insufficiency, and all other the imperfections of the said Bill, to these defendants now and at all times hereafter saued, for further answer thereunto they say, and each one of them for himselfe saith, And first the said R. F. L. L. W. H. R. B. L. P. and J. C. five of the said defendants for themselues seuerally say, and each one of them for himselfe saith, That the right honorable L. Duke of Lenox, hauing a grant from the Kings Maieſtie as these defendants haue credibly heard and doe beleeue of the subsidie and alnage and farme of the subsidie and alnage of vendable and saleable Clothes, halfe Clothes, and peeces of Clothes, Stuffes, Draperies, and other commodities whatsoeuer, called and knowne as well by the name of the olde as the new Draperies, made, set, or offered to sale, or to be made, set, or offered to sale, within this his Maieſties Kingdome of England, did heretofore authorize or appoint vnder his Lordships seuerall Substituts or Deputies within the Countie of Surrey, vnto which Substitutes or deputies the said now complainants, or most of them, and some of the defendants named in this Bill, being also Clothiers, as namely the two R. F. and W. H. did giue or pay iij. s. vpon a pack of Kerseys, for alnage, subsidie, and other duties to be required by reason of the said office; which deputies or some of them did notwithstanding soe carrie and demeane themselues, as that they gaue great trouble and discontentment to the Clothiers in the Townes of Guildeford, Godalming, and

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and Wouerth, and other Townes and places in the said Countie, or diuers of them, vpon which occasion to auoid the vexation of themselues and their neighbors, these fiue defendants last named (the said R. F. being then Maior of Guildeford) and the residue his Brethern and Assistants (offer thereof hauing beene formerly made vnto them, by or from the said L. Duke of Lenor, these defendants last named did thereupon take in farme the said subsidie and alnage, within the said Countie of Surrey, and in all Cities, Boroughes, Townes, Villages, Hamlets, and places whatsoeuer within the said Countie of Surrey, as well within Liberties as without, from the Feast of S. Iohn the Baptist, in the tenth yere of his Maiesties raigne, for the terme of two yeares from thence next ensuing, for and vnder the yerely rent or payment of C.li. by the yere, as by one Indenture of the demise and grant thereof, bearing date in or about the twentieth day of June, in the tenth yeare aforesaid, made vnto these defendants last named, by the right honorable the said Duke of Lenor, whereunto these defendants refer themselues, it doth and may appeare. And these defendants last mentioned, further say that they did not intend, by or vpon the taking of the said grant or deputation, to exact or extort any fees, rewards, or summes of money, not allowable or iustifiable by the Lawes of this Realme, as by the said complainants is vniustly surmised, nor to require or receiue by vertue or colour thereof, any other summes of mony then such as the complainants themselues or most of them, voluntarily and without any contradiction (for any thing these defendants know to the contrarie) had formerly paid to other deputies or substitutes of the said Duke. But these defendants say, that vpon the taking of the said grant or deputation they did purpose and intend to require and take the summe of iij.s. vpon euerie pack of Kerseys containing twentie Clothes, these defendants knowing that so much was then vsually giuen and payd, they then beleeuing that so much might lawfully be required and receiued, neither doe these defendants yet know the contrarie. And these defendants would not haue giuen and paid so great a yearely farme for the same, if they had suspected they might not haue iustified the receiuing of 4.s. vpon a pack as aforesaid. And whereas the said complainants by their said Bill doe suppose that themselues and all other the Clothiers, of, or in the said Boroughs of Godalming and Wouerth, haue time out of minde vsed to pay to the Alnagers, onely ij.s. vj.d. vpon euerie packe of Kerseys, containing twentie Clothes and no more, to this suggestion these defendants say, that they doe not know or beleeue that there is or hath beene any such custome in those Townes vsed time out of minde of man as is suggested, for these defendants are well assured that all or the greatest num-

ber

ber of the now complainants themselues haue many times paid without contradiction the summe of iij.s. vpon a pack to former deputies as aforesaid, neither doe these defendants beleeue that any such prescription can be made, seeing the making of saleable Kerseys in those Townes, hath not had so long a continuance as can make a prescription, as these defendants verily beleeue, but if the same had continued indeed time out of minde as is pretended, yet sithence the Kerseys formerly made, were some seuenteene yards, and none aboue eighteene yards, and the Kerseys now made are foure and twentie yards, and two and twenty yards in length, and few or none vnder twenty yards and sithence the fees and duties in this case to be receiued and paid, are allowed by Act of Parliament, these defendants say, as by their counsell they are informed, that there can be no good prescription made on this behalfe. And these defendants last named further say, that they hauing from the said Lord Duke the grant aforesaid, they afterwards and before the thirtieth day of June in the said Bill mentioned, did nominate and appoint the said R. & W. the two other defendants to be their deputies or seruants concerning the said farme, requiring them to deale iustly and honestly with all men in and about the same, & withal giuing them in charge for the ease of the Clothiers, to repaire to their owne seuerall dwelling houses & there to measure, search, and seale their Kerseys, which otherwise they needed not to haue done as they are informed, but might haue compelled them to bring their Kerseys to be measured, searched, and sealed, for which extraordinarie paines and trauels of the said R. and W. the other defendants haue giuen extraordinarie recompence to them the said R. and W. for all which causes the said other defendants did giue directions to the said R. & W. to require and receiue the summe of iij.s. vpon euerie pack, as these defendants did then and yet doe conceiue they might lawfully doe. Neuertheless if in the iudgement of this honorable Court it shall otherwise be resolued and determined, these defendants doe humbly submit themselues thereunto. But these defendants say further that they themselues haue not receiued within the time mentioned in the said Bill of the said complainants, or of any other Clothiers, such summes of money as are by the said Bill suggested, nor haue receiued any summes of money for subsidie, alnage, or any other thing concerning the said farme, office, or deputation, but only from the said R. and W. vpon generall payments vpon their accompt after sealing the said Kerseys. And the said R. and W. the two other defendants for themselues say, that from the thirtieth day of June, in the tenth yere of his Maiesties raigne, vntill the foureteenth day of April now last past, as deputies or seruants vnto the said R. F. T. T. W. H. R. B.

T. H.

T. P. and I. C. haue exercised the said office of Alneger, in the said Countie of Surrey, and haue as they hope therin behaued themselues iustly and honestly, and they are well assured that they haue exacted or required no other or greater fées or summes of money during the said time of or from the said complainants or any of them, then what were formerly paid to others, and what these defendants then were informed and did beléeue and yet doe beléeue, were iustly due and payable, for which they haue alreadie in part and are readie and willing for the residue to make their accompt ouer to those that imployed them. But forasmuch as these two defendants are by their counsel informed that if these defendants haue in truth required and receiued greater sums of money by colour of the said deputation then by Law is iustifiable, although the same be but ignorantly and not wilfully or corruptlye done by them, yet they are in danger of diuers forfeitures vpon diuers penall Lawes, for this cause therfore these defendants vnder the fauor of this honorable Court, doe forbeare to set downe what particular summes of money they haue receiued of any particular person, and for what cause, and thereupon doe humbly pray the iudgement of this honorable Court whether they shall be inforced to make any further answer in this case. Without that, that these defendants or any of them, of a couetous desire to inrich themselues, haue wrongfully and vniustly to their knowledge, exacted, taken, and receiued, from the complainants and rest of the Clothiers of Godalminge and Wouerth against their wills xviij.d. vpon euery pack of Kerseys ouer and aboue the ordinary, vsuall, and accustomed price which hath béene euer paid for the sealing thereof. Or that these defendants or any of them, denied the sealing of the said Kerseys, vpon payment of the subsidie and alnage due for the same. And without that, that there is or ought to be any such custome in the said Townes of Godalming and Wouerth for the payment of two shillings and fiue pence onely vpon a pack of Kerseys, as by the said Bill is surmised. And without that, that any other matter or thing in the said Bill of Complaint alleadged, and not herein sufficiently answered vnto, confessed, and auoyded, trauersed or denyed, is true, and therefore these defendants humbly pray to be dismissed out of this honorable Court, with their reasonable costs and expences in this behalfe wrongfully sustained.

A

A replication whereby the plaintife maintaineth his Bill exhibited against the defendants for diſwading the tenants of the Manor of B. from paying their rents and ſeruices to the plaintife being Lord thereof.

The ſaid complainant ſauing to himſelfe now and at all times hereafter, all and euerie the aduantages of exception, to the incertainties, imperfections, and inſufficiencie of the ioynt and ſeuerall anſwers of the ſaid defendants and either of them for replication ſaith, That the ſaid Bill of Complaint by him the ſaid complainant exhibited into this Court againſt the ſaid defendants, and euerie clauſe, article, and thing therein conteyned, are true, in ſuch maner and forme, as in and by the ſaid Bill of Complaint, the ſame are truely ſet forth and declared. And the ſaid complainant further replyeth and ſaith, That he doth and will auer and proue, that he the ſaid complainant vnder ſuch grant from the late Quæne Elizabeth, of the Manor of Bellaſiſe and Bempton, and other the lands in the ſaid Bill of Complaint mentioned, as in the ſaid complainants Bill is ſet forth, was and is poſſeſſed of the ſaid Manor of Bellaſiſe and Bempton, and other the ſaid lands in the ſaid Bill of Complaint mentioned, for ſuch terme and vnder ſuch rent, as in the ſaid Bill of Complaint is truely ſet forth and alleadged. And the ſaid complainant further replyeth and ſaith, that he doth and will alſo auer and proue that the ſaid Manor of Bempton is and hath been a verie ancient Manor, conſiſting of diuers freholds and cuſtomarie lands, being parcell of the ſaid Manor and to the ſaid Manor belonging. And that by all the time whereof, the memorie of man is not to the contrarie, the Lords and owners of the ſaid Manor of Bempton for the time being, haue vſually had and kept Court Barons, and Court Lætes, within the ſaid Manor of Bempton, of, and for the ſaid Manor of Bempton. And that the freholds and tenements of the ſaid Manor of Bempton for the time being, haue alwaies without contradiction or denial, from time to time apæred at the Court Barons, and Court Lætes of the ſaid Manor, and haue there done and performed their ſuites and ſeruices to the Lords of the ſaid Manor for the time being, & that the freholders haue likewiſe payed their free rents, and acknowledged themſelues to be freholders of the ſaid Manor of Bempton, as by the Court Bookes, and Court Rolls of the ſaid Manor of Bempton may appeare. And the ſaid complainant further replyeth and ſaith, That the ſaid complainant repoſing truſt and confidence in the ſaid defendant F. H. did vpon his the ſaid F. H. requeſt make and appoint him the ſaid F. H. his Sect. 12

his ſteward of, and for the ſaid Manor of Bempton for the keeping of Court Leets, and Court Barons for the ſaid complainant, in, and for the ſaid Manor of Bempton. And that the ſaid defendant W. hath kept diuers Courts, in, and for the ſaid Manor of Bempton, without that, that the cauſe why the ſaid defendant F. W. continued not to keepe Courts for the ſaid complainant, in, and for the ſaid Manor of Bempton was for that the ſaid Complainant could not, or would not ſhew vnto him the ſaid defendant F. W. any ancient Court Rolls, or other ſufficient matter for the proofe of his ſaid Manor of Bempton, and to proue that there were of right free Rents belonging to the ſame, and that there ought a Court Baron and a Court Leete to bee kept there, as the ſaid defendant F. W. in, and by his ſaid anſwer pretendeth. For thereto the ſaid complainant replieth, and ſaith, That the ſaid defendant F. W. was, or might haue beene fully ſatiſfied touching thoſe points by ſeuerall preſentments made vnto him by the tenants and homagers of the ſaid Manor of Bempton, at ſuch times as he kept the Courts of the ſaid Manor, for the ſaid complainant who preſented vpon their othes, That all the Freeholders of the ſaid Manor of Bempton ought to pay their free rents (all which free rents were then by them particularly found and preſented) and ought to doe their ſuit of Court and ſeruice to the ſaid complainant, as Lord of the ſaid Manor of Bempton, for the time being, as by the verdict and preſentment of the ſaid homage may appeare. And alſo the ſaid complainant for the ſatiſfaction of the ſaid complainant F. W. touching that matter did at ſundrie times ſhew forth vnto the ſaid defendant F. W. diuerſe ancient fines and recoueries, wherein the ſaid Manor of B. was recorded by the name of the Manor of B. contrarie to that which in the ſaid defendants anſwer is ſurmiſed: And the ſaid complainant further replieth, and ſaith with this, that all the Freeholders of the Manor of B. haue time out minde paid their rents, and done their ſeruices and ſuit of Court vnto the ſaid compl. euer ſince his, the ſaid complainants eſtate therein, as in the ſaid bill is alleaged: With this alſo that the ſaid defendant F. W. did combine with the other def. R. R. to diſwade the tenants of the ſaid Manor of B. from paying their rents, and doing their ſeruices, vnto the ſaid complainant: with this alſo that the tenants of the lands lately purchaſed by the ſaid defendant R. R. haue alwaies paid their Rents to the ſaid complainant and his anceſtors, as to the ſaid Manor of B. And that R. W. in the ſaid complainants bill mentioned, father of the ſaid defendant F. W. (being a freeholder of the ſaid Manor of B.) hath alwaies paid, and ſtill doth pay his chiefe rent vnto the ſaid complainant, and did his ſuit of Court and ſeruice to the ſaid complainant for his ſaid freehold.

And

And the ſaid Complainant further replieth, and ſaith, Without that that the meſſuages lands and rents, of free Tenants, amounting to thirteene ſhillings and fourepence, in Wempton in the ſaid R. R. anſwere mentioned (purchaſed by the defendant R. R. of C. M. in his the ſaid defendant R. R. anſwere mentioned) were long ſince, or at the time of the purchaſe thereof from the ſaid M. called the Manor of Wempton, as in the anſwer of the ſaid defendant R. R. is ſurmiſed: Further to, the ſaid complainant replieth and ſaith, that neither by the Inquiſition found after the death of the father of the ſaid C. M. nor by any other Record, wherein the ſaid Meſſuages and Lands (ſometimes the ſaid C. M. are mentioned or recited) are the ſame meſſuages and lands called or knowne by the name of a Manor. And the ſaide complainant doth and will auerre and proove, that the tenants of the ſaid Meſſuages and lands late C. M. for the time being, haue paide their rents, and done their ſuits and ſeruices vnto the ſaid complainant and his Anceſtors, owners of the ſaid Manor of Wempton, for the time being, as tenants of the ſaid Manor of Wempton, both before the ſaid defendant R. R. bought and purchaſed the ſame Meſſuages and lands from the ſaid M. and ſithence, contrarie to that which the ſaid defendant R. R. in his ſaid anſwere pretendeth: Without that, that the Bill in the ſaid defendants anſwere, mentioned heretofore, exhibited into this Court againſt the tenants of the ſaid C. M. by the ſaid complainant, was for the ſame matters now complained of by the ſaid complainants new Bill. And the ſaid Complainant further replieth and ſaith, that the ſaid defendants haue vnduly and indirectly diſwaded all the Freeholders of Wempton aforeſaid, to detaine their rents, and to doe no ſuite or ſeruice vnto the ſaid complainant as to the ſaid Manor of Wempton. And with this alſo that the ſaid defendant R. R. (by the procurement of the ſaid other defendant F. W.) hath vnlawfully incloſed the Cloſe in the complainants Bill mentioned and thereby hath debarred the inhabitants both of the high waies lying through the ſaid Cloſes, and of their Common belonging vnto them, for all manner of Cattell, which time out minde they haue had therein. And without that any other matter, Clauſe Article, or thing in the ſaid Defendants anſwere contained materiall or effectuall in the Lawe to be replied vnto, and herein not well and ſufficiently replied vnto, confeſſed and auoided, or trauerſed and denied is true. All which matters and things, &c.

A Replication auerring that the Def. hath broken parcell of the Plaintifs ſoile in his Manor of E. and forfeited his Copiholde eſtate &c.

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THe ſaid Complainant for Replication, ſaith in all and euery matter and thing as he before in his ſaid Bill of complaint hath ſaid and doth, and will auerre, iuſtifie, maintaine and proue the ſame, and all, and euery matter and thing therein conteined, to be iuſt and true in ſuch ſort, manner, and forme as he hath therein ſet forth and declared. And for further replication to the ſaid anſwer, this complainant doth ſay, that the ſaid W. L. hath entred into the ſaid parcell of land in the ſaid bill mentioned, called Leakes Croft, and there hath broken the ſoile in diuerſe places and ſincke diuerſe pitts and Shafts, and at the ſame hath digged great quantities of Coales, and hath ſolde the ſame to the inhabitants and tenants of the ſaid Manor, and to other ſtrangers to the great and manifeſt wrong and diſinheriſon of his Maieſtie, and to the great loſſe of the ſaid Lord H. which the ſaid L. hath done of ſet purpoſe, that by the ſaid pits ſunke in the ſaid Croft called Leakes Croft, he may draine and conuey water from Coale mines, which he intendeth to ſinke in parcell of his Freehold inheritance adioining to the ſaid Croft, called Leakes Croft, which he cannot ſincke in his owne land, without ſuch meanes to conuey the water from them. And further this repliant ſaith, that thereby the ſaid Leakes Croft is forfeited, although the ſame were before a copy of inheritance, as in the ſaid anſwer, the defendant hath ſuppoſed it to be. And the ſaid defendant doth in his anſwer, refuſe to anſwer to ſuch his ſaid intent, which the complainant hopeth that this honourable Court will thereby take as confeſſed. And the ſaid W. L. doth alſo by vniuſt meanes draw from the Coale workes of the ſaid Lord H. diuerſe workmen, labourers and chapmen which would there buy and prouide Coales. By meanes whereof his Maieſties ſaide Coalemines are much decaied in value, and profit, and do daily decaie more and more. And other Copiholde tenaunts of the ſaid Manor by the like example, will be imboldned to attempt the like waſte and ſpoile: without that that the ſaid complainant hath before this time comenced two ſeuerall ſuits againſt the ſaid defendant for the ſame cauſe as he hath commenced this ſuite in ſuch manner as in the ſaid anſwere is alleaged: And without that, that the ſaid Lionell de Scoteuile was euer ſeiſed of the ſaid Manor of Eckington, or that he made any ſuch grant, or that the ſame is any way material to the matters in queſtion, if any ſuch were. And without that, that there there is, or time out minde of man, there hath beene a ſpeciall cuſtome within the ſaid Manor, that all the cuſtomarie

marle Tenants of the ſaid Manno⁊ may lawfully digge the ſame, and get the Coles within their copihold lands fo⁊ their owne vſe to ſpend in their owne houſes, o⁊ to ſell to others, ſo the Lo⁊ds ſale of his Coles gotten in the ſame Manno⁊ bee no wayes thereby hindered. But the ſaid complainant ſaith, that if any Copiholder of the ſaid Manno⁊ doth ſinke any pits, o⁊ dig any coles in the ſaid Copihold lands without the licence of the Lo⁊d of the manno⁊, the ſame is a fo⁊feiture of the ſaid copihold eſtate. Without that that the compl. did euery yeare ſell all his Coles, which he got in the ſaid Manno⁊ ſince the ſaid Pits ſuncke in the ſaid Croft called Leakes Croft. And without that that the ſaid def. hath giuen ouer his worke, as the ſaid defend. in his ſaid anſwere hath alledged. Without that that any other matter o⁊ thing materiall o⁊ effectuall in the law to be replied vnto the ſaid defendants anſwere alleadged and conteined, and which in his Replication is not ſufficiently confeſſed and auoided, denied o⁊ trauerſed, is true to this complainants knowledge. All which the repliant is ready to auerre, maintaine, and p⁊oue, as this hon. Court ſhall award. And thereupon p⁊ayeth as before in his ſaid bill of complaint he hath already p⁊ayed.

A Reioynder, wherein the Defendants deny that they detained any Gleabe lands from the Parſonage of M. as the Plaintife in his Bill and Replication hath complained.

THe ſaid def. and euery of them doe auerre, maintaine, and iuſtifie their ſaid anſwers, and al and euery matter and thing therin conteined to be iuſt and true, certain and ſufficient in the law to be replied vnto in ſuch maner and fo⁊me as in their ſaid anſwers the ſame are ſet downe and declared. And do further reioyne and ſay, That as well the ſaid compl. ſaid bil, as alſo the ſaid replication, and the matters and allegations therein compꝛiſed, are altogether vntrue, incertaine, & inſufficient in the law to be reioyned vnto by theſe ſaid def. neuertheleſſe all aduantages of exception to the incertaintie and inſufficiency of the ſaid bill and replication vnto the ſaid def. alwayes ſaued. Theſe ſaid def. fo⁊ further reioynder vnto the ſaid replication, do ſay in all things as in their ſaid anſwere they haue ſaid. And alſo ſay that they no⁊ any of them doe know o⁊ euer heard that the tenants of M. o⁊ any of them did euer refuſe to haue any their copihold graunts, o⁊ eſtates, made o⁊ granted at any courts kept vpon o⁊ in the houſes in queſtion in reſpect the ſame were no part of the ſaid manno⁊ of M. Fo⁊ theſe ſaid def. doe ſay & auer, that the ſame houſes in the ſaid bill mentioned now in queſtion, were alwaies reputed parcell of the ſaid mano⁊ of M. and of the farme houſes thereof fo⁊ any thing theſe def. o⁊ any of them know o⁊ Sect. 14

haue heard to the contrary, vnlesse it were by some idle reports & spæches giuen out and diuulged by the comp. themselues, their seruants or followers, or by such as were desirous to aduance the title of the said comp. For these def. do further say, that true it is that they haue heard that the said compl. or one of them haue a portion of tithe corne within the Lordsh. or parish of M. in the said County of G. as belonging to the Rectory of P. But these def. did neuer heare that the said compl. or either of them, or any vnder who they claime euer had any parsonage, houses, barnes, stables, or gleabe lands within the manor or Lo. of M. And euen so these def. thinke it may be true, that the said compl. or one of them haue the parsonage or tithe corne in P. aforesaid. But these def. do not know that the said compl. or either of them had or haue any parsonage house, buildings, orchard, garden, or gleabe landes within the manor or Lordsh. of P. aforesaid, belonging vnto the parsonage of P. aforesaid. And these def. further say, That they do not know what exceptions haue bin contained in any Patent or graunt made vnto R. P. Esquire in the said bill mentioned, nor are these defend. acquainted what graunt was made vnto the said R. P. neither do these def. think it greatly materiall what graunt or exception was made vnto the said Ra. P. of any parsonage house, or gleabe landes in P. in any Letters patents, nor what exceptions were conteined in any other Letters patents. For these def. doe say, that neither the said R. P. nor any other by or vnder him, did at any time occupy or inioy or take the issues or profits of any parsonage house, barnes, stables, buildings, or glebe lands in P. aforesaid, or paid any rent or fæ farme for the same. Without that that these said def. for their parts doe kepe away any gleabe lands from the said compl. vnder colour of exchanges, or holding of the same interuningled with the lands of the said manor or otherwise, as by the said replication is pretended. And without that, that these said def. for their parts, haue by many or any deuises indeauoured to impaire the profites of the said parsonage, and retaine the said housing and gleabe landes from the plaintife, as by the saide replication is suggested. And without that, that any other matter, cause or thing in the said replication conteined materiall or effectuall in the law to bee reioyned vnto, touching or concerning these said def. or any of them, and herein before not reioyned vnto, confessed and auoyed, trauersed or denied, is true in such maner and forme as by the said replication is declared. All which matters these def. are ready to auerre as this hon. Court shall award. And pray as in the said answere they haue formerly prayed.

An

A Reioynder to the Replication of the Kings Attorney Generall, wherein the Defendant pleadeth to be discharged of a Debt, alleaging that he is Executor to the husband of an Executrix whose former husband was chargeable therewithall: and other reasons therein conteined.

THe said Wl. C. for Reioynder saith, that the plea and answere of him the said defendant, is certaine and sufficient in the Lawe, and such (as the said defendant hopeth) will giue full satisfaction to this most honourable Court. And as vnto the said Bill, concerning the summe of one hundred twenty two pounds and eight shillings, in the said replication mentioned, he this defendant conceiueth, that he being onely an Executor vnto Wl. C. deceased his father, who maried R. who was the wife and Executrix vnto Co. P. his said father Wl. C. and R. his said wife, being also about seuenténe yeares agoe discharged by the order and decrée of this most honourable Court, he this defendant ought not now to be called in question for the same. And he this Reioynant further saith, that hee hath not (to his knowledge) the said bill signed vnder the hand of Sir Wl. P. in the said Replication mentioned, neither doth he this Reioynant know what is become thereof, but thinketh verily that the said Wl. C. his said father deceased, did deliuer the same (if it were in his hands) into this most honourable Court. And he this defendant is the rather induced so to beléeue, for that he this defendant cannot finde the same amongst other his said deceased Fathers writing and euidences. So as (vnder the fauour of this most honourable Court) he this reioynant ought not to satisfie the said summe of one hundred twenty two pounds and eight shilling, or any part thereof, being Executor vnto the husband of an Executrix, whose former husband was chargeble therwithall: and there hauing béene a discharge thereof by the orders or decrées of this most honourable Court as aforesaid. And this defendant doth further submit it to the iudgement of this most honourable Court, whether or no the said orders or decrées of this most honourable Court, which doe mention and purport that there was such a bill signed vnder the hand of the said Sir Wl. P. as in the replication aforesaid is mentioned, be not a sufficient ground for the making out of processe against the heires, executors, or assignes of the said Sir Wl. P. for the recouerie of the hundred twenty two pounds eight shillings, if so be that the same be not already paid and discharged: Without that that any other matter or thing in the said replication conteined material or effectual in the law to be reioined vnto and not herein before sufficiently reioined vnto to the knowledge of this def. are true. All which matters the said def. is ready to auerre and prowe as this hon. Court shal award & therefore praieth as he in his said Answere hath praied. Sect. 15.

A Bill or Information into the Exchequer, by the Qu. Maiesties Patentee, for the viewing of vnlawfull paiments and allowances.

To the right hon. the Lord B. Lord high Treasorer &c.

Sect. 17

IN most humble wise sheweth and informeth your honors, Tho. L. Esquire. That whereas our Soueraigne Lady the Quenes Maiestie that now is, by her highnes Letters Patents, bearing date at G. the seuenteenth day of December, in the thirteenth yeare of her most gracious and happie reigne, for the considerations therin mentioned, hath giuen and graunted full power and lawfull authoritie vnto the said T. L. and to his deputy and deputies by all maner of lawful waies and meanes whatsoeuer, that hee or they or any of them can or may, for and during the space of eight yeares nert ensuing the date of the said Letters Patents, to search foorth, view, see and examine all and singular vnlawfull and deceitfull payments, allowances, controllments, deductions, or retainements, suffered, done, or committed at any time sithence the thirtieth yere of the reign of her Maiesties most dread father King Henry the eight, vntill the date of the said Letters Patents, or that after the date of the said Letters Patents, shall bee suffered, done, or committed, during the space of eight yeares nert following the date of the said Letters Patents, in any of her Maiesties Courts, or other places within her highnesse realme of England or Wales, or elsewhere, by any person or persons, or by the payment or payments, allowance or allowances, detainement or detainements of any Annuities, Fees, Pentions, Corrodies, or perpetuities, or any other yearely payments, by what name, title, or condition soeuer they or any of them shall be called or knowen. And all other wrongfull and vniust payments, detainments, allowances, concealements, and deceits, giuen, done, or committed, from the time aforesaid, or after the date of the said Letters Patents to bee giuen, done, or committed by any person or persons during the space of the saide eight yeares, in any vntrue account, or accounts, whereby any the treasures, money, or profites of her Maiestie, her heires and Successors, or of her said father, or of her brother, King Edward, or her late sister Queene Marie, or of the late King Philip, and Quene Marie, or that ought to haue come to her Maiestie, or any of her the aforesaid Predecessors, haue beene or shall bee vniustly, and without lawfull cause payed and allowed, diminished, wasted, spent or deteined during the space of the said eight yeares. And whereas

also for the better furtherance of the seruice of the said T. L. in, & about the aforesaide matters and causes our said Soueraigne Ladie hath by her said Letters Patents giuen and graunted vnto said T. L, his executors, administrators, and assignes, the one moitie of all and euery such summe or summes of money, or other things before mentioned, the which by him or his deputies, factors, or assignes, or through his or their labour, trauell, and diligence, during the said eight yeares, shall bee deceitfully, fraudulently, without good cause, or vniustly payed, answered, allowed, receiued, conceiled, or detained, as is aforesaide, or the value of the same moitie, which so shall bee opened, discouered, knowen, pursued, recouered, or had by the saide Thom. L. his Factors, Deputies, or Assignes, as by the saide Letters Patents more at large doeth and may appeare. Sithence which Graunt in forme aforesaid made to the said T. L. he the said T. L. hath through his painefull, chargeable, and diligent labour and search, found out diuerse great deceites committed and done, and hath founde out, and is able to proue to this honourable Court, That one Thomas C. Deputie Clerke of the Hannaper in the Court of Chauncerie, hauing serued in that Office from the beginning of her Highnesse reigne vntill now and yet doeth, during all which time the said T. C. hath continually as well receiued the profites of the Quenes Maiesties Seale in the said Court, as all other commodities and aduantages incident vnto the saide Office. But now so it is, if it may please your Honors, that the said Thom. C. being accountable to the Queenes Maiestie in her Highnesse Court of Exchequer, for all manner of summes of money by him receiued to her Maiesties vse, by vertue of the Clerkship of the Hannaper, as is aforesaid, hath not for the space of sixteene yeares, viz. from the first yeare of her Highnesse reigne, vntill the sixtenth of the same, neither iustly charged himselfe vpon his account with all such summes of money as hee yearely hath receiued by vertue of the saide Office, by the summe of foure hundred pound by the yeare, which in the whole sixteene yeares amounteth to the summe of fiue thousand and foure hundred pound: neither yet any other wayes payed the same to her Maiesties vse, but vniustly hath defrauded and deceiued her Maiestie by the space of sixteene yeares, by the yearely conceiling and deteining from her Maiestie the said summe of foure hundred pound, out of the charge of his account, which in the said space and time of the said sixténe yeres amounteth to the summe of vj. thousand foure hundred pound, the which your said Orator shalbe ready to proue to your Honours.

In consideration whereof may it please your honors the premisses considered, to graunt vnto the said I. L. the Quenes most excellent Maiesties Writ of Subpœna, to be directed vnto the said I. C. commanding him personally to appeare before your honors in the her Ma. Court of Exchequer at a certaine day, and vnder a certain paine therin to be limitted, then and there to make answere vnto the premisses, vpon his corporall oath, and further to abide such order and direction therein as vnto your honours shall seeme to stand with right and equitie, And that your said Orator may haue according to the tenor of the said Letters patents, the moitie of the concellements and deceits, that shall be prooued to be committed by the said I. C. And your said orator shall pray to God for the preseruation of your honors in health and wealth long to continue.

A Patent graunted to I. M. to bee an Informer.

Sect. 16

REGINA &c. To the Treasurer, Chamberlaines, and Barons of our Exchequer for the time being, and to all and singular our Iustices, Maiors, Sheriffes, Stewards of Liberties, and Franchises, Constables, Bailiffes, Headboroughes, Maisters, Mariners of Shippes. And also to all Collectors, and Customers, Comptrollers, and Surueyors of our Customes or Subsidies, Searchers, as well within our Liberties as without. And to all other our Officers, Ministers and subiects whatsoeuer, greeting. Whereas before this time, aswel in the time of our noble progenitors, kings of this realme, as also during the time of our reigne, diuers good and wholesome Lawes, Acts and statutes haue beene by diuerse and seuerall Acts of Parliament established, ordeined, enacted and made, and hereafter must be made by Gods sufferance, as well to the honour and glory of God, as also for the commoditie and preseruation of the Common wealth of this Realme, diuerse of the which said Lawes and statutes so made, haue been from time to time, and yet bee daily infringed and broken, and nothing esteemed and regarded, by the meanes of sundry euill disposed, disobedient, and wilfull persons, not fearing nor dreading almightie God, nor hauing any regard or respect to their duties towards vs or our progenitors, or Common wealth of their country, nor fearing, nor regarding the paines and penalties contained and mentioned in the said Acts and statutes, by reason that the same haue not beene so earnestly and so duely put in vre, and due examination, as it was intended and hoped by the makers thereof. Not onely to the great displeasure of Almightie God, but also to the great discommoditie, hinderance, and losse of vs, and of the Common wealth of our dominions.

minions. Knowe ye therefore, that we of our especiall grace, certaine knowledge, and meere motion, and to the intent that all such Statutes and Actes as now at this present stand, remaine, and bee in force and strength, or that hereafter shall be made, ordeined, enacted, or established within this our said realme may from henceforth the better and sooner be put in due execution and vse, according to the tenures, purports, and effects of the same, haue authorised, assigned, and appointed, and by these presents doe authorise, assigne, and appoint our welbeloued subiect I. P. of London Haberdasher, to bee an Informer, and a prosecutour for vs, our heires, and successors, of all such Statutes and Actes. And haue giuen and graunted, and by these presents for vs our heires and successors doe giue and graunt vnto the saide I. P. his Deputie or Deputies, during the will and pleasure of vs our Heires and Successours, full power and authoritie to put in execution all the Actes and Statutes aforesaid. And to enter into all Faires and Markets, Warehouses, Dyehouses, Tanhouses, worke houses, and other house and houses, Barnes, Sellers, Sollers, Ships, Vessels, and all and euery other place and places whersoeuer within our Realme of England, and other our dominions, as well by water, as by land, And to search, seise, arrest, sue and implead in any of our Court, or Courts, place or places according to the Tenor, purport, and effect of the said Actes and Statutes, or any or euery of them, All such goods and merchandises, of what nature or qualitie soeuer they or any of them bee. And all and euery such person or persons as heretofore haue offended, or hereafter shall happen to offend in any of the said Actes and Statutes. And of our further grace, wee for vs, our heires and successors haue giuen and graunted, and by these presents doe giue and graunt vnto the saide I. P. and his assignes, the one halfe or moitie of the value of all and euery such sum or summes of money as shall bee hereafter adiudged forfeite in any of our ordinary Courts of Records, by force or occasion of any Information, or other Action exhibited or commenced, or to bee exhibited or commenced by the said I. P. or any his Deputie or deputies in the same Courts or any of them touching the premisses. And to take, perceiue, receiue and enioy to his onely vse, or the vse of his Executors the saide one halfe or moitie of all and singuler such forfeitures or summes of money as shall bee adiudged and deemed to bee due or forfeited in any of our ordinarie Courts of Records, or of our heires and Successors, of any Seasure or information, put and exhibited, or to bee put and exhibited vnto the saide Ordinarie Courts of Records, or any of them by the said I. P. or his sufficient and lawfull

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Deputie or Deputies. Willing and commaunding therefore all and singuler our Iustices, Maiors, Sheriffes, Stewards of Liberties, and Franchises, Bailiffes, Constables, and Headboroughes, Maisters Marinors of Shippes. Also all our Collectors, Customers, Comptrolers, and Surueyors of Customes and Subsidies, and searchers, as well within any of our Liberties as without. And all and singuler other our officers, ministers, and subiects within this our realme or the dominions of the same what soeuer they be, to the aiding, assisting and helping the said I. P. his deputie or deputies in the due execution of the premisses. And that the saide Iustices, Maiors, Sheriffes, Stewards of Liberties and Franchises, Constables, and Bailiffes from time to time doe punish by their discretion all such as doe resist or any thing attempt, to the let, hinderance, or preiudice of the said I. P. or his deputie or deputies in the due execution of the said Actes or Statutes, or any of them, as they tender our will, fauour, and pleasure, and for the contrary as they will thereunto answere, at their perills. And furthermore know ye that wee of our further especiall grace, certeine knowledge, and meere motion, and to the intent, that the said I. P. shall bee the more diligent and painefull in the due execution of the saide Statutes and Actes, as is aforesaide, haue giuen and graunted, and by these presents, for vs, our heires and successors, doe giue and graunt, that the said I. P. shall from time to time, haue, perceiue, receiue, leuie, and take of all and singuler such moities, portions, partes of forfeitures, and summes of money, as shall bee at any time or times, hereafter deemed or iudged to bee due, or belonging to vs, our heires or successors, before the Barons of the saide Exchequer, by meanes of any seisin, or Information put or exhibited into the saide Court of Exchequer, or any other our ordinary Courts of Recordes by the said Iohn P. or his sufficient or lawfull Deputie or Deputies, of and for euery pound which so by his industrie and meanes to our vse or the vse of our heyres or successors, shall come to be brought and iudged, the summe of twelue pence, ouer and aboue the summe or summes of money to the Informer for his part or portion or trauell by vs in forme aforesaid limitted and appoynted, the same to bee payd to the said Iohn P. or his Assignes by the handes of the Treasurer, and Chamberlaines of the said Court of Exchequer for the time beeing. And wee of our further grace especiall, doe further graunt, for vs, our heyres, and Successors, by these presents to the said Iohn P. his Executors and Assignes, that these our Letters Patents, or the Inrollment thereof, and one Certificate signified with the hand of the chiefe Baron of the

said

ſaid Court of Exchequer for the time being, teſtifying the certaintie of ſuch ſumme or ſummes of money, as ſhall bee from time to time recouered by Iudgement and Execution in any the ſaid ordinary Courts of Record, to the vſe of vs, our Heires or Succeſſors, by reaſon and occaſion of any Information or other Action heeretofore exhibited or commenced in any of the ſaide Courts, by the ſaid Martine, or any his ſaid deputie or deputies, ſhall bee from time to time a ſufficient warrantie and diſcharge to the Treaſurer and Chamberlaines of the ſaid Court of Exchequer for the time being to pay and deliuer, or cauſe to bee paid and deliuered vnto the ſaid John M. his Executors or Adminiſtrators of ſuch our Treaſurer, or the Treaſurer of our Heires and Succeſſors, being or that ſhall bee in their cuſtodie, ſo much money as ſhall amount vnto twelue pence, or, and for euery pound conteined in euery ſuch Certificate, ſigned with the hand of the chiefe Baron of the ſaid Court as aforeſaid, to bee taken vnto the ſaid John M. his Executors, and Adminiſtrators, of the gift of vs, our heyres or ſucceſſors, without any preſſe or any other chargde to bee ſet vpon him the ſayd I. M. or any other perſon or perſons for the ſame, without any further warrant to bee ſued from vs, our Heires or Succeſſors, to the ſaide Treaſurer and Chamberlaines for the time being to bee directed for the premiſſes. For that expreſſe mention of the true value, of the certainetie of the premiſſes, or of any other giftes or graunts by vs, or by any our Progenitors, or Predeceſſors before this time made in theſe preſents, is not mentioned, or any other Statute, Acte, Ordinance, Proviſion, Proclamation, or Reſtraint to the contrary made, done, or ordained, or prouided, or any other thing, cauſe, or matter whatſoeuer in any wiſe notwithſtanding. In witneſſe whereof wee haue cauſed theſe our Letters to be made Patents, Witneſſe our ſelfe at Weſtminſter, the xxvj. day of Aprill, in the ſecond yeere of our reigne.

THus much concerning the Exchequer, and now let vs ſhew you ſome obſeruances in the Prerogatiue of the Court of Wards and Liueries, a Derogatiue from the Antecedent, like an heire to the Anceſtor: Which honorable Court was, (by an Acte of Parliament made Anno 32. Hen. 8. cap. 46.) erected and called the Court of the Kings Wardes, and eſtabliſhed to bee a Court of Record, and then the

the chiefe officer, aboue the reſt of the Officers conſtituted for that Court, was ordained to bee called, Maſter of the Wardes: Vnto whoſe truſt the keeping of the Kings Seale for that Court was and is committed: In which Seale is engrauen the Armes of the King with this memorable Circumſcription, *Curia Wardorum & Liberationum, Pupillis, Orphanis & Viduis Adiutrix:* Implying, that it ſupporteth the rights, and comforteth the eſtates of Wards and heires, Orphanes, Widowes, and Ideots, Lunatikes, and ſuch as otherwiſe might much bee wronged: And ſhortly after, that is, by another act of Parliament made Anno 33. Hen. 8. cap. 22. for the greater honour and commoditie of that King, and the more comfort and profite of the ſubiects, the Office of the Maſter of the Kings Liueries was enacted to bee annexed vnto the Iuriſdiction of the ſame Court: by which addition the foreſaid chiefe Officer for the Court of the Kings Wards, was and is intituled Maſter of the Court of the Kings Wards and Liueries: and the ſaid Maſter of the Liueries, was then and now is ordeined to be called Surueyor of the Kings Liueries, and to bee the ſecond perſon in the ſame Court, as by the ſame two ſeuerall actes of Parliament more fully appeareth: Before which times all cauſes that now are within the order of ſuruey of this Court, were determinable in the Kings Court of Exchequer; and that skilfull experiencer Geruaice Tilbury, which after he had written a Booke called Trioolummus, wrote a diſcourſe vnto King Hen. 2. *De neceſſarijs Scaccarij obſeruantijs*, treateth *De Relenio ſponte non ſoluto*, and that *Aliter de Firmis, atq; aliter de Cuſtodijs reſpondendum:* Now although the Writs and Commiſſions of *Diem clauſit extremum, Mandamus, Melius inquirendum, Deuenerunt, Ætate probanda*, and ſuch of that nature are made in the Chauncerie, by vertue of Warrants from the officers of this Court, and ſo the matters in this addition might haue had place next to thoſe writs: yet becauſe this Court is deriued from and out of the Exchequer, therefore, by reaſon of their affinitie, you may next diſcerne a little alſo of matters practiſed within the Iuriſdiction of this Court by the conſequences.

PLEA-

PLEADINGS IN THE Court of Wards and Liueries.

A Bill to be signed for the double value of a Wards mariage.

To our Soueraigne Lady the Qu. most excellent maiestie. Pleaseth it your Highnesse of your most noble and abounduant grace to graunt your most gratious Letters Patents, &c.

REgina omnib' ad quos &c. salutē. Cum nos per libras nostras sub magno Sigillo nostro Angliæ patentes gerēs dat' apud Westm̄ primo die Martij, Anno regni nostri 39. de gratia nostra speciali, ac ex certa scientia, et mero motu nostris dederimus & concesserimus nuper prædilecto & per quam fideli Consiliario nostro W. B. prænobilis Ordinis Garterij militi, Baroni de C. & Domino Guardiano quinque Portuum defunct', inter alia custod' corporis & maritagium Francisci C. filij & heredis W. C. Armiger defunct': qui quidem W. C. die obitus sui tenuit de nobis in Capite, per seruicium militare, habendum, gaudend', & possidend' custod' & maritagium eiusdem F. C. absque dispergatione præfat' W. nuper domino Cobh. executor' & assignat' suQuousque idem W. nuper dominus Cobham executor' siue assignat' suis effectū maritagij prædict' Franc' C. acciperet vel haberet, accipient vel haberent. Et hoc absque compoto seu aliquo alio nobis hæredib' vel successoribus nostris pro inde reddend', soluend' seu faciend', prout per easdem literas nostras inter alia in ipsum content' plenius poterit apparere. Status & interesse cuius quidem W. nuper Domin̄ Cobh. de & in premiss. ad manus & possessionem dilecti & fidelis nostri G. B. Armiger legitime vt dicitur deuentus est. Cumque etiam modo ex infirmatione predict' G. B. accepimus quod ante confectionem prædictarum literarū nostrarum patent' prædict' W. nuper Domin̄ C. vt præfertur fact' F. C. in custodia nostra existen̄, & postquam accreuit ætatem suam quatuordecim annorum sine consensu nostro vel præfat' nuper domino Cobh. seipsum maritauerit per quod nobis forisfecit duplicem valorem maritagij sui. Sciatis igitur quod nos contemptum prædict' egre ferentes & prędict' Georgij B. quod equum est fidei volentes ad humilem petitionem eiusdē G. ex vberiori gratia nostra, ac ex certa scientia & mero motu nostr' dedimus & accepim' ac p̄sent dam' & concedimus eidem G. B. executor' & assignat' suis valorem duplicem Sect. 1.

valo-

valorem & forisfacturam maritagij pred' Fran. C. habend', gaudend' & ea percipiend pred' G. B. executor' & assignat' suis in tam amplis modo & forma, & adeo libere vt nos ea quocunque iure titulo vel ratione habere, tenere vel concedere poterimus. Et hoc absque compot. seu aliquo alio nobis hered' vel successoribus nostris proinde reddend'. In cuius rei testimonium &c.

A Petition.

To the right Hon. R. Earle of S. Master of her Maiesties Court of Wards and Liueries.

IT pleased the Quenes most excellent Maiestie, with the aduice of your Lordship, to graunt vnto my late good Lord and deare father, W. late Lord C. deceased, the wardship of F. brother and heire of C. likewise deceased, which Ward before the Letters Patents made from her maiestie vnto my said Lord father, without the consent of his Guardian, maried himselfe. The benefit and interest of which Wardship is come vnto me from my said late Lord by way of Legacy. And for that I am informed by my Councell, that the words in the former Patent are not sufficient to giue me such value as by her said Maiestie and your Lordsh. was meant vpon the said graunt to my said late Lord father. I therefore humbly beseech your good Lordship for our better assurance, to giue Warrant to the Clerke of the Wardes to make vp a Bill to passe her Ma. signature in forme within written.

The answere. Mast. H. I pray you make vp and in ingrosse such a Bill as is before desired. R. S.

An Inquisition to finde a Lunatike:

Sect. 2. INquisic' indentat capt' apud Guildhald' Ciuitat' London &c. die A. ann. reg. dñe Eliz. Dei gratia Angl', Franc', & Hyber' reg. fidei defen' &c. 43. coram W. R. milit' maiore & escaetore ciuit' pred' virtute breuis dict' dñæ reg. cidē maiori et escaetori direct' et huic inquisic' consut' ad inquirend' de Lunatia R. W. alias H. p sacram &c. Qui dicunt super sacram suum p̄d' q̄ p̄d' R. W. alias H. in breui pred' nominat' lunaticus est et non cōpos mentis et lucid' gaudet intervallis ita q̄ regimine sui ipsius terr' tenit' bonorū aut catallorū suorū minime sufficit, & in eod' statu sic remansit à 1. die M. ann. reg. dict' dñæ Reg. 22. et adhuc remanet. Et vlterius

terius Iurat' pred' sup sacram' suum ꝑd dicunt, ꝙ ꝑd' R.W. alias H. dict' 2. die M. ann. regni dict' dñæ Reg. 22. fuit seisit' in dominio suo vt de feodo, de & in vno mess. vocat &c. cum ptin' in M. in com. S. pred'. Ac de & in vno alio mes. voc' &c. cum ptin' in M. ꝑd in Com S. pred'. Ac de et in vno mess. siue tenŧ voc' &c. et ceteris suis ptin' in M. pred in dict com S. Necnon de et in vna pastur cum ptin vocat &c. et de alia pastur voc' &c. et 20. acr terr ibid' cum ptin'. Necnon etiam de & in mess. siue tenŧ cum eorũ ptin' voc' &c. in E. in dict' Com S. Et vlteri' Iur pred' sup sacram' suum pred' dicunt ꝙ ꝑd' mess. terr' & cetera omnia ꝑmissa valent p annũ in omnib' exit' ultr' repris. x. li. Et ꝙ R.W. alias H. est frater et heres ꝓpinquior ꝑd' R.W. alias H. in breui pred' nominat' & ætatis xl. annorũ et ampli' tempore capt' hui' Inquisic'. Sed vtrũ ꝑd' R.W. alias H. durãte tempore lunacie et infirmat' sue pred', pred' ꝑmiss. seu aliquã inde ꝓcel' alienauit necne, aut de qua vel de quibus ead' mes. & cetera premiss. seu aliqua inde ꝓcella tenent' aut tenebant' Iur pred' penit' ignorant. In cuius rei testimon' vni parti huius Inquisic' penes ꝑf. maiorẽ et escaetorẽ remanẽ tam pred' maior et escaetor quã Iurat ꝑf. sigilla sua apposuer alter vero parti penes ꝑf. Iur remanẽt ꝑf. maior et eschaetor sigillũ suum apposuit die loco et anno suprad'.

The draught of Mast W.C. his pardon for the mariage of the La. R. before her Maiesties pleasure and consent was declared vnder the great Seale.

REgina omnib' ad quos &c. salutẽ cum nuper ꝑdilect' et ꝑ ꝗ fidelis consanguin' nr E. nuper Comes R. defunct' in vita sua seisit' fuit de diuersis honor, castris, dom, mañ, terr', tenŧis, & heredit in diuersis Com. huius reg. nri Angl' de nobis tenta in capite per seruic' militare & de eisd ꝑmissis sic seisit' existens obijt, sic inde seisitus 14. die A. ann. reg. nri 29. habens exit de corpore suo legit ꝓcreat E. domin' R. vnicã filiam et solã heredẽ quam tunc infra ætatem 14. annor existen' vt per quandã Inquisic' inde capt apud N. in Com nro N. 13. die A. nri reg. nri 30. in Cur' nostra Cane 'returnat & ibid' de recordo remanẽs plenius nobis constat et apparet. Cumq; etiam postea ꝓcharissima consanguinea nra dña I. C. senior dotem gerens R. nunc p vxor ꝑd nuper comitis E. ac mater dict' E. dñæ R. nobis sepius humilit applicauerit vt reg. fauorem & licentiam nostr' concedere dignarem', vt quidã W.C. ar filj' et heres apparens T.C. milit dict domin' R. posset in vxorẽ ducere iuxta voluntat & desideriũ pred' nuper Comitis E. viri sui in testamento suo manu sua ꝓpria inscript manifeste express. Cumq; ꝓterea nos ꝑmiss. plurimũ intendentes consensum et lic' nostros regal' ex gratia nostra libere dederim' secund' petitionem dict' Comitis. cumq; etiam dict' W.C. & dict' E. domina R. existent ætat 12. anno-

Sect. 3

annorum & ampli⁹, & tunc in custodia nostra existent, seipsos matrimoñ coniunxerunt priusquã dict' consens' & licenc' nostr' sub aliquo sigillorum nostrorum express. & demulgat fuerunt, vt per quandam Billam informat' inde ex parte nr̃a per Attornat Cur nostræ Wardor & Libat in eandem Curiam nostram exhibit, ac per responsionem predicti W. C. nuper inde fact' & per quend' ordinẽ in eadẽ Cur de & cõcernẽ premiss. & stabilit & ibid remanẽ plenius poterit apparare, ratione cuius nobis contigit & accrevit duplex valor siue forisfactur maritagij dictæ E. dñę R. in ea parte erga nos fact' & ꝑpetrat, Sciatis tamen quod nos ꝑmiss. plurimum considerantes ac nolentes q̃ ꝑd W. C. & Eliz. dña R. vxor eius iuxta rigorẽ legũ nostrarum Angl' ꝓ ꝑmissis puniant, sed regalis consensus & licenc' nr̃e ꝑd beneficio adeo hbere plene & integre gauderent & fruentur, si dicti consensus & licentia nostri prom̃al gat fuissent indebita Iuris forma sub magno sigillo nr̃o Anglię ante maritagiũ pred̃ vt predicitur hit, p aduisamentum nostri & Concilij Curię nostrę Wardorum & Libat prædict', pro & in consideratione sum̃æ sex centũ librarum legalis monete nostre ad receptum dictæ Curię nostrę ꝑdict' W. C. soluend', necnon ex speciali gratia, certa scientia, & mero motu nostris pro nobis hęredibus & successoribus nostris per donam remittim̃ & relaxamus præfat W. C. & E. dũæ R. valorem maritagij duplicem valorem maritagij & forisfacturam maritagij dict' dñę R. ac cosd W. & dñam R. hered executores & eorum administratores & alterius eorum de eisdem valore maritagij ꝑd duplici valore maritagij, & forisfactura eiusd exonoram', & acquietamus, necnon etiam de ampliori grac nr̃a certa scientia & mero motu nostris ijsdem W. C. & E. domin R. omnes & omnimodas contemptus, delicta & transgressiones contra nos per dict maritagium vel roñe eiusdem maritagij quouismodo fact' vel perpetrat ac omnia & omnimodas fines, amerciamenta, forisfactur, penalitates, actiones, querelas, & demand nobis per maritagium dictę dominæ Eliz. R. vel ration eiusdem maritagij sine licentia nostra debit plene & libere pro nobis, hæredibus & successoribus nostris pardonamus & remittimus per ꝑsentes. Et hoc absque composto siue aliquo alio nobis hæredibus vel successoribus nostris pro inde reddend' soluend' seu faciend. Eo q̃ expressa mencio &c. In cuius rei testimonium &c.

A Plea

A Plea of Trauerſe vnder the great Seale of England.

Sect. 4.

The Inquiſition recyted.

REgina &c Eſcaetore ſuo in Com' Salopp' Salutē cum per quandam Inquiſicionem indentat' captam apud Salopp' in Com' pred' ſexto die Septemb. Anno regni noſtri viceſſimo nono coram Franciſ. Bromley, Armig' &c. Thoma Staunton Generoſo Feodar: noſtro predict. Virtute Comiſſiones noſtræ in natura breuis de mandamus quibuſdam Andree Charleton' Armigero Adamo Mytton Generoſo &c. pdictis Franciſco Bromley, et Thome Staunton, eis quatuor tribus, vel duob' eorū quorū pref. Feodat' vnus eſſet dire&t, et Inquiſitio' pred' annex' ad inquirend' poſt mortem Humfridi Hil, Generoſi defunct, per ſacrām Iohannis Baldwyn de Monſlowe Generoſi &c. Quod predictus Humfridus Hil, fuit ſeiſitus in domin' ſuo, vt de feodo die quo obijt de &c. in Manner ſiue Capitali Meſuagio de Hull, alias Court Hill, cum omnibus et ſingulis iuribus membris et pertinen': Nec non de & in vno Columbar', vno Molendino aquatico centum ac' terr', ſexdecim ac' prati centum ac' paſtur', centum ac' boſci, et comunia cum pertinen' in Hull, alias Hill, in com' noſtro prædict': Necnon de et in quatuor meſuagiis et vno cottagio cum pertinen' centum ac' terr', viginti ac' prati, & triginto ac' paſtur', cum pertinen' in Aſhe Hartall, et Nurton alias Ouerton, in com' noſtro predicto: in ſeperalibus tenur', ſine occupationibus Franciſci Condeley, Roberti Iukes, Ric. Cooke, et Will. Rowley. Ac de et in decem ac' terr' ſiue paſturæ iacen. in Hartal predict' et Greete, in Comitatu noſtro predicto: et tempore captionis, Inquiſitionis predict' in tenura, ſiue occupac' Will: Hopton Armigeri. Et vlterius compertum fuit per inquiſitionem predictam quod predictus, Humfr. Hil, die quo obiit fuit ſeiſitus in dominico ſuo, vt de feod' de & in manerio de Hoope. Baggarde in com' noſtro predicto, cum omnibus et ſingulis iuribus, membris, et pertinen' ac de et in donac' ſiue patronat' Eccle. parichialis de Hoope Baggarde predict'. Ac de et in tribus meſuagiis octaginti acris terr' duodecim acris prati, ſexaginti acr: paſture, Ac de et in triginta ſolidat reddit, cum pertinen' in Hoope Baggarde, pred' a cetiam de et in vna paſtur', vocat Weſtwood, continen' per eſtimationem triginta acras terr' in Hounds Neene, alias Neene Sauage, in Com' noſtro predic'. Ac de et in vna ac' terr', in vno Campo de Burford, vocat Weſtfielde, et tempore captionis Inquiſicionis predict' in tenur' Rich. Cooke. Ac de et in quatuor Burgagiis in Cleoberie Mortimor in Com' noſtro predicto. Et quod predictus, Humfr. Hill, ſic de pred' manerijs meſuagijs terr', et ten cum pertinen' ſeiſitus exiſtens de tali ſtatu ſuo obiit inde ſeiſitus. Et quod predict': Manet & omnia & ſingula premiſſa in

Hull, alias Cõurt Hill Aſhe Hartall Nurton, alias Ouerton, & Greete predict: & predict acræ in Burforde predict: tempore mortis dict, Humfri tenebantur de quodam Edmundo Cornewall armigero defunct & tempore capcionis Inquiſitionis predict, tenebantur de Thoma Cornewall Armigero, vt de Baronia ſua de Burford in com̃ predict per ſeruicium Militare videlicet per vndecimam partem vnius feod militijs. Et valent per Annum in omnibus exitibus vltra repriſ. vndecem liberis ſex ſolid & octo denariis. Et quod predict. Manerium de Hoope Baggarde tempore mortis dict, Humfri tenebatur, de Edmundo Cornewall Armigero, vt de Manerio ſuo de Cleybury in Com' nro wigorñ per fidelitatem & red: vnius denarij per Annum. Et valet p annum in omnibus exitibus vltra repriſ. octo libris. Et quod predict paſtura, vacat Weſtwood, tempore mortis dicti Humfridi tenebatur de Georgio Detton generoſo per fidelitatem tantum: Et valet per annum in omnibus exitibus vltra repriſ. quadraginta ſolid: Et quod predictũ Burgag. in Clebery predict' tempore mortis dict Humfridi tenebatur: vt de manerio de Clebery Mortimer predict' in libero Burgagio: Et valet per annum in omnibus exitibus vltra repriſ. ſex libr & duos ſolid. Et vlterius quod predictus Humfridus Hill obijt viceſimo quarto die Martij, Anno regni noſtri viceſimo. Et quod Georgius Hill generoſus eius filius & hæres proppinquor & ætatis tempore mortis patris ſui quatuordecim annorum fuit. Et quod idem Georgius Hill recipit & habuit reddit̃us & proficua omnium & ſingulorum Manerij, meſuagiorum, terrarum, & cæterorum præmiſſorum cum pertinentijs, á die mortis dict' Humfridi vſque prædictum diem capcionis Inquiſitionis prædict' prout Iuratoribus prædict' conſtare poterit. Et quod prædictus Humfridus Hill in dicta Inquiſione nominatus die quo obijt non fuit ſeiſitus in dominico ſuo vt de feodo nec feodo talliat, de aliquibus alijs ſiue pluribus Manerij, meſuagijs, terr, tenementis, ſiue hereditamentis in Comitat Saloþ prędict', compertum fuit etiam per quandam aliam Inquiſitionem indentatam captam apud Villam noſtram Saloþ in Comitat Saloþ prædict', duodecimo die Ianuarij, Anno regni noſtri triceſimo quarto, coram Thoma Lawley Armigero & præfat Thoma Staunton Feodar noſtro Comitat noſtri prædict: Virtute commiſſionis noſtræ in natura breuis de melius inquirend quibuſdam Thomæ Onſlowe & Richardo Prince Armigeris, & prædict Thomæ Lawley & Thomæ Staunton eis quatuor tribus vel duobus eorum quorum prædict Feodar vnus eſſet, direct' ad inquirend poſt mortem Humfrid Hill generoſi defunct' per ſacramentum Griffin More generoſi, Thomæ Cardyſſe generoſi, Richard Reynolds generoſi, Iohannis Crumpe generoſi, Iohannis Bright generoſi &c. Quod cum per predictam priorem Inquiſicionem compertum fuit, quod predict' Hum-

No Tenure for the Q.

The recitall of a 2. Inquiſic' vpon a *Melius Inquirend.*

Humfridus Hill fuit ſeiſitus in dominico ſuo vt de feodo die quo obijt (inter alia) de & in manerio ſiue capitali meſuagio de Hull, alias Court Hill, cum omnibus & ſingulis ſuis iuribus, membris, et pertineñ, Ac de & in manet de Hoope Baggard in Comitatu prædict, cum omnibus & ſingulis ſuis iuribus, membris, & pertineñ, & quod ſic ſeiſitus exiſtens de tali ſtatu obijt inde ſeiſitus. Et quod predict' manet ſiue capital' meſuag' de Hull, alias Court Hill, cum pertinentijs, tempore mortis prædict' Humfridi Hill tenebatur de quodam Edmundo Cornewall Armigero defunct', & tempore captionis dictæ prioris Inquiſitionis de Thoma Cornewall Armigero, vt de Baronia ſua de Burforde, in Comitatu noſtro prędicto, per ſeruitium Militare. Et quod prędictum manet de Hoope Baggard tempore mortis prædict' Humfridi tenebatur de Edmundo Cornewall Armigero, vt de manerio ſuo de Clebury, in Comitatu noſtro Wigorñ, per fidelitatem & reddit vnius denarij per annum, prout per dictam priorem Inquiſitionem inter alia plenius liquet. Per dictam poſteriorem Inquiſitionem compertum fuit, quod predict manet de Hoope Baggard, cum pertinentijs, tempore captionis dictæ poſterioris Inquiſitionis, & tempore mortis dicti Humfridus Hill tenebatur de nobis, vt de Comite Marche, per ſeruitium Militare, videlicet, per dimid vnius feodi Militis, prout per prædictas ſeperales Inquiſitiones in Fylacijs Cancellar noſtrę de Recordo reſidem plenius liquet. Cumque etiam Termino Sancti Michaelis, ſcilicet, decimo quarto die Octobris, Anno regni noſtri triceſimo nono, coram nobis in Cancellaria noſtra prędicta, ſcilicet, apud Weſtmonaſterium, venit Radulphus Rogers generoſus, per Thomam Powell Attornatum ſuum &c. petijt auditum Inquiſitionum prędictarum, & ei legebantur &c. Quibus lectis & auditus & per ipſum plenius intellectis, idem Radulphus Rogers quęrebatur predict manet de Hoope Baggard, cum pertinentijs, in manus noſtras colore poſterioris Inquiſitionis predict capi & ſeiſiri, & in manibus noſtris remanere ipſumque à poſſeſſione ſua inde extrateneri, & hoc minus iuſte. Quia proteſtando quod poſterior Inquiſitio predicta ac materia in eadem content minus ſufficiens in lege exiſtebat, Ac ad quę ipſe neceſſe non fuit nec per legem terr noſtrę tenebatur aliqualiter reſpondere. Pro placito idem Radulphus Rogers dixit, quod bene & verum eſt predictus Humfridus Hill in prediſtis ſeperalibus Inquiſitionibus nominatus die quo obijt fuit ſeiſitus in dominico ſuo vt de feodo, de & in predicto manerio de Hoope Baggard, cum pertinentijs, in Comitat noſtro predicto. Et quod ſic inde ſeiſitus exiſtens de tali ſtatu obijt inde ſeiſitus, prout per predictam priorem Inquiſitionem compertum exiſtet: ſed idem Rad. Rogers vlterius dixit, quod predict manet de Hoope Baggard, cum pertiñ, per et poſt mortem pd Humfrid

A Tenure for the Q.

The Plea.

discendebat prefato G. Hil, in predicta priore Inquisitione nominato vt fil: et heredi predicti Humfrid Hill, virtute cuius idem Georgius in manerium illud cū pertin' intravit & fuit inde seisitus in dominico suo vt de feodo. Et predictus Georgius Hill, sic inde seisitus existens ante captionem posterioris Inquisitionis predict scilt. vicessimo die Septembris, Anno regni nostri tricessimo primo per Indentur sigillo ipsius Georgij sigillat gerendat eisdem die et anno fact: inter prefat. Georgium Hill, ex vna parte et predictum Radum Rogers, ex altera parte & in cur Cancellariæ nostræ infra sex menses proxim post dat eiusdē Indentur secdm' formam Statuti in ea parte editi debito modo de record' inrotulat pro et inconsideratione cuiusdem competentis summa bone et legalis monete Anglie, eidem Georgio per dcm' Ric. Rogers ante sigillacionem Indentur predic. pre manibus solut, barganisauit, & vendidit prefato Rado' Rogers, heredibus et assignatis suis, predictum Manerium de Hoope, Baggarde cum pertin' pro nomen totius illius Manerij, Dominij de Hoope, alias dict' Hoope Baggarde alias vocat Hoope, Baggard cum omnibus et singulis suis iuribus membris in pertin' in dicto Com' nostro, Salop, Hendū & tenendū eidem Ric. Rogers, heredibus et assignatis suis, ad solum et proprium opus, et vsum ipsius Ric. Rogers, hered. et assignaor suor imperpetuū virtute cuius quidē bargaine et vendicionis. Ac vigore Statuti de vsibus in possessionem transferend' in Parliamento domini Henrici nuper Regis Anglie octaui patris nostri prechariſſimi, anno regni sui vcessimo septimo apud Westm̄ cent: edit: Idem Rad. Rogers, tempore captionis posterioris Inquisicionis predict' fuit et adhuc existit seisitus, de et in predicto Manor de Hoope, Baggarde cum in Domino suo vt de feodo. Et vlterius idem Rad. Rogers dixit quod predict, mannerium de Hoope, Baggarde, cum pertin' tempore mortis predicti Humf. Hil, tenebatur de Roberto nuper comite Leic. vt de manerio suo de Clebery in Comitatu nostro Salopp' predict', per medietatem vnius feodi militis ac tempore captionis poposterioris Inquisitionis predict' tenebatur de eodem maner de Glebury per medietatem vnius feodi militis, absque hoc quod dict' manet de Hoope Baggard cum pertin' tempore mortis predicti Humfri Hill, aut tempore captionis posterioris Inquisitionis predict' tenebatur de nob: vt de Comitatu Marchie per seviciū militare modo et forma prout per posteriorem Inquisicionem predictam Compertum existet: Et absque hoc quod het seu vnquam habet aliquod aliud Record' præter Record' posterioris Inquisicionis predicte per quod liquere potest quod predic' manet de Hoope Bagard cum pertin' tenet aut tempore mortis preditti Humfri Hill, aut tempore captionis posterioris Inquisitionis predic' tenebat de nobis vt de comitatu Marchie per seruic. militare modo et forma prout per posteriorem Inquisitionem predictam compertum

No dying seased.

Trauerse the tenure.

pertum est exist. Quę omnia & singula idem Radulphus Rogers parat⁹ fuit verificare prout Cur nostra prędicta consideraūit, Et petijt iudi-
tium quod manus nostræ à possessione prędict manerij de Hoope Bag-
gard cum pertinentijs amouerentur. Et quod ipse ad possessionem suam
inde vna cum exitibus & proficuis inde a tempore perquisitionis eiusdē
manerij per ipsum Radulphum vt prędmittitur fact hucusque prouenien
sive accidēn restitueretur. Et super hoc quęstū ab Edwardo Coke Ar-
mig. Attornat nostro Generali qui pro nobis in hac parte sequebatur,
si quod ipse pro nob. haberet vel dicere sciret quare manus nostr a dicta
possessione nostr prędicti manerij de Hoope Baggard cum pertinentijs
non amouerentur, vt ipse idem Radulphus Rogers ad plenam integram
& pacificam possessionem suam inde et cuiusli bet inde parcell', vna cum
exitibus & proficuis inde a tempore perquisitionis eiusdem manerij per
ipsum Radulphum vt prędmittitur fact hucusque prouenien sive acciden
restitueretur. Qui quidem Attorn nostr Generalis qui pro nobis in hac
parte vt prędfertur sequebatur in prędict Cur nostra, dicit apud West-
monasterium p dict pro nob. petijt diem tum cum ceteris de consilio nostro
in legibus erudit inde interloquend vsque ad Octabas Sancti Hillarij
tunc proxim' vbicunque &c. Et habuit &c. Idemque dies dat fuit prę-
fato Radulpho Rogers tunc &c. ad audiend si quid idem Attornat nostr
Generalis pro nob. versus eum tunc & ibidem in hac parte allegare vel
dicere potuit, Ad quas quidem Octabas coram nob. in Cur nostra prę-
dicta, scilicet, apud Westmonasterium prędictam, veh tum prafat Ra-
dulphus Rogers per Attornatum suum prędictum, quā dictus Attornat
Generalis qui pro nob. in hac parte vt dictum est sequebatur. Sup quo
idem Radulphus Rogers per dictum eius Attornat petijt sicut prius iu-
dicium in hac parte si pr eundem Cur nostram recidi. Ac idem manus
nostræ a possessione nostra prędicta manerij de Hoope Baggard cum
pertinentijs amouerentur. Et quod ipse idem Radulphus Rogers ad ple-
nam integram & pacificam possessionem suam inde vna cum exitibus &
proficuis inde a tempore perquisitionis eiusdem manerij per ipsum Ra-
dulphum vt prędmittitur fact hucusque prouenien sive acciden restitue-
retur. Et prędictus Attornat nostr Generalis qui pro nob in hac parte
vt prędictum est sequebatur in prędicta Cur nostra, scilicet apud West-
monasterium antedict pro nob petijt vlteriꝰ diem cum ceteris de con-
silio nostro de legibus erudit inde interloquend vsque ad Quindenam
Paschæ tunc proxim' vbicunque &c. Et habuit &c. Idemq; dies dat fuit
prafato Radulpho Rogers tunc &c. ad audiend si quid idem Attornat
nostr Generalis pro nob. versus eum tunc & ibidem in hac parte allo-
gare vel dicere posset. Ad quam quidem Quindenam coram nob. in
Curia nostra prędicta, scilicet apud Westmonasterium antedict, veh
cum prafat Radulphus Rogers per Attornatum suum prędictum, quem

manus

dictus Attornat' nostr' Generalis qui pro nob. in hac parte vt predictum est sequebatur. Super quo idem Radulph' Rogers per dict' eius Attorn' petijt sicut prius iudicium in hac parte sibi per eandem Cur' nostr' reddi, Ac q̃d man' nostr' ac dicta possessione nostr' predicti manerij de Hoope Baggard cum pertinentijs amouerentur, Ac quod ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde, vna cum exitibus & proficuis inde a tempore p̃quisitionis eiusdem manerij per ipsum Radulph' vt premittitur fact' hucusque ꝓuenien' siue acciden' restitueret. Et predict' Attorn' nostr' General' qui pro nob. in hac parte vt predict' est sequebatur in predicta Cur' nostra, scilicet apud Westmonasterium antedictam pro nob. petijt diem vlterius cum ceteris de consilio nostro in legibus erudit' inde interloquend' vsque ad Crastinum Sanctæ Trinitat' tunc ꝓxim' vbicunque &c. Et habuit &c. Idemq; dies dat' fuit ꝑfato Radulpho Rogers tunc &c. ad audiend' si quid idem Attorn̄ nostr' Generalis pro nob. versus eum tunc et ibidem in hac parte allegare vel dicere poterit. Ad quod quidem Crastinum coram nob. in Cur' nostra prædicta, scilicet apud Westmonasterium prædictam, ven̄ tam præfat' Radulphus Rogers per Attornatum suum ꝑdictum, quam dictus Attornat' nostr' Generalis qui pro nob. in hac parte vt ꝑfertur sequebatur. Super quo idem Radulphus Rogers p̃ dictum eius Attornat' petijt sicut prius iudicium in hac parte sibi per eandem Cur' nostr' reddi, Et q̃d manus nostr' a dicta possessione nostr' predicti manerij de Hoope Baggard cum pertinentijs amouerentur. Ac quod ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde, vna cum exitibus & ꝓficuis inde a tempore p̃quisitionis eiusdem manerij per ipsum Radulphum vt p̃fertur fact' hucusque ꝓuenien' siue acciden' restitueret. Et ꝑdictus Attorn̄ nostr' Generalis qui pro nob. in hac parte vt ꝑdict' est sequebatur in ꝑdict' Cur' nostr', scilicet apud Westmonasterium antedict' pro nob. pet' diem vlterius cum ceteris de consilio n̄ro in legib' erudit' inde interloquendi vsq; ad Octauas Sancti Michael' tunc ꝓxim' vbicunque &c. Et habuit &c. Idemque dies dat' fuit præfat' Radulpho Rogers tunc &c. ad audiend' si quid idem Attornat' nostr' Generalis pro nob. versus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quas quidem Octauas Sancti Michaelis coram nob. in Curia nostra predicta, scilicet apud Westmonasterium antedictam, ven̄ tam prefatus Radulphus Rogers per Attornatum suum predictum, quam dictus Attornat' nostr' Generalis qui pro nobis in hac parte vt predictum est sequebatur. Super quo idem Radulphus Rogers per dictum eius Attornat' petijt sicut prius iudicium in hac parte sibi per eandem Curiam nostram reddi, Et quod manus nostrę a dicta possessione nostra prędicti manerij de Hoope Baggard cum pertinentijs amouerentur, Ac quod ipse Radulphus Rogers ad plenam integram & pacificam possessionem

ſionem ſuam inde, vna cum exitibus & proficuis inde a tempore perquiſitionis eiuſdem manerij per ipſum Radulphum vt prędict' eſt fact' hucuſque prouenien' ſiue accidẽ reſtitueretur. Et prędictus Attorn' noſter Generalis qui pro nobis in hac parte vt præfertur ſequebatur in prędict' Cur' noſtra, ſcilicet apud Weſtmonaſterium antedict' pro nob. petijt diem vlterius cum ceteris de conſilio noſtro in legibus erudit' inde interloquend' vſque ad Octauas Sancti Hillarij tunc ꝓxim' vbicunque &c. Et habuit &c. Idemque dies dat' fuit prędicto Radulpho Rogers tunc &c. ad audiend' ſi quid idem Attornat' noſtr' Generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit, Ad quas quidem Octauas Sancti Hillarij coram nob. in Cur' noſtra prędicta, ſcilicet, apud Weſtmonaſterium antedictam, veñ tam præfatus Radulphus Rogers per Attornatum ſuum prædictum, quam dictus Attornat' noſtr' Generalis qui pro nob. in hac parte vt ꝑdictum eſt ſequebatur. Sup quo idem Radulphus Rogers per dictum eius Attornat' petijt ſicut prius Iudicium in hac parte ſibi per eandem Cur' noſtram reddi: Et qđ manus noſtr' a dicta poſſeſſione noſtra ꝑdicti manerij de Hoope Baggard cum pertinenn'js amouerentur. Ac qđ ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde, vna cum exitibus & proficuis inde a tempore perquiſitionis eiuſdem manerij per ipſum Radulphum vt præfertur fact' hucuſque prouenien' ſiue accidẽ reſtitueretur. Et prędictus Attornat' noſtr' Generalis qui pro nob. in hac parte vt prędictum eſt ſequebatur in prędicta Cur' noſtra, ſcilicet apud Weſtmonaſterium antedict' pro nob. petijt diem vlterius cum ceteris de conſilio noſtro de legibus erudit' inde interloquend' vſque ad Quindenam Paſchæ tunc prox' vbicunque &c. Et habuit &c. Idemq; dies dat' fuit præfato Radulpho Rogers tunc &c. & audiend' ſi quid idem Attornat' noſtr' Generalis pro nob. verſus eum tunc & ibid' in hac parte allegare vel dicere poterit. Ad quam quidem Quindenam Paſchę coram nob. in Cur' noſtra ꝑdicta, ſcilicet apud Weſtmonaſter' antedict', veñ tam ꝑfat' Radulph' Rogers per Attornat' ſuum prędict', quam dict' Attorn' noſtr' Generalis qui ꝓ nob. in hac parte vt ꝑfertur ſequebatur. Sup quo idem Radulph' Rogers per dict' eius Attorn' petijt ſicut prius iudicium in hac pte ſibi p eandẽ Cur' noſtram reddi, Et qđ manus nr̃ę a dicta poſſeſſione nr̃a ꝑdicti manerij de Hoope Baggard cum ꝑtineñ amouerentur, Ac qđ ipſe idẽ Radulph' Rogers ad plenam integr' & pacific' poſſeſſionẽ ſuam inde, vna cum exitib' & ꝓfic' inde a tempore ꝓquiſic' eiuſdem manerij per ipſum Radulphum vt ꝑdict' eſt fact' hucuſque ꝓuenien' ſiue accidẽ reſtitueretur, Et præfat' Attorn' noſtr' Generalis qui ꝓ nob. in hac parte vt ꝑfertur ſequebatur in ꝑdicta Cur' noſtr', ſcilicet apud Weſtm' antedict' ꝓ nob. petijt diem vlterius cum ceteris de conſilio nr̃o in legibus erudit' inde interloquend' vſq; ad Craſtin' Sanct' Trin' tunc ꝓx' vbicunque &c.

Et habuit &c. Idemque dies datus fuit prefat Radulpho Rogers tunc &c. ad audiend si quid idem Attornat nostr Generalis pro nob. versus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad qd quidem Crastinum Sanct' Trinitatis coram nob. in Cur nostra predicta, scilicet apud Westmonasterium antedictam, ven tam prefat Radulph' Rogers per Attornatum suum predictum, qu dictus Attornat nostr Generalis qui pro nob in hac parte vt predictum est sequebatur. Super quo idem Radulphus Rogers per dictum eius Attornat petijt sicut prius iuditium in hac parte sibi per eandem Cur nostram reddi, Ac quod manus nostr a dicta possessione nostra predicti manerij de Hoope Baggard cum pertinentijs amouerentur, Ac quod ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde, vna cum exitibus & proficuis inde a tempore perquisitionis eiusdem manerij per ipsum Radulphum vt prefertur fact hucusque prouenien sive accidn restitueret. Et predictus Attornat nostr Generalis qui pro nob. in hac parte vt predictum est sequebatur in predicta Cur nostra, scilicet apud Westmonasterium antedictash pro nob. petijt diem vlterius cum ceteris de consilio nostro de legibus erudit inde interloquend vsque ad Octauas Sancti Michaelis tunc proxim vbicunque &c. Et habuit &c. Idemq; dies dat fuit pfato Radulpho Rogers tunc &c. ad audiend si quid idem Attorn nostr Generalis pro nob. versus eum tunc et ibidem in hac parte allegare vel dicere poterit. Ad quas quidem Octauas Sancti Michael' coram nob. in Cur nostra pdict, scilicet apud Westmonasterium antedict tunc ven in Cur tam prefat Radulphus Rogers per Attorn suum pdict qu dictus Attornat nostr Generalis qui pro nob. in hac parte vt pterius sequebatur. Super quo idem Radulphus Rogers p dictum eius Attornat petijt sicut prius inde ium in hac parte sibi per eandem Cur nostr reddi, Et qd manus nostr a dicta possessione nostr predicti manerij de Hoope Baggard cum pertinentijs amouerentur. Ac quod ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde, vna cum exitibus & pficuis inde a tempore perquisitionis eiusdem manerij per ipsum Radulphum vt predict est fact hucusq; prenien sive accidn restitueret. Et pdictus Attorn nostr Generalis qui pro nob. in hac parte vt pferur sequebatur in pdicta Cur nostra, scilicet apud Westmonasterium antedict pro nob. petidiem vlterius cum ceteris de consilio nro in legib' erudit inde interloquendi vsque ad Octauas Sancti Hillarij tunc proxim vbicunq; &c. Idemq; dies dat pdicto Radulpho Rogers tunc &c. ad audiend si quid idem Attorn nostr Generalis pro nob. versus eum tunc &, ibm in hac parte allegare vel dicere poterit. Ad quas quidem Octauas Sancti Hillarij coram nob. in Cur nostra pdicta, scilicet apud Westmonasterium antedict, ven tam pfat Radulph' Rogers per Attorn suum pdict, qu dictus Attorn nostr Genal qui p nob. in hac pte vt pfert sequebat.

Super

Super quo idem Radulph' Rogers per dict' eius Attorn̄ petijt ſicut prius iudicium in hac parte ſibi p eandem Cur' noſtr' reddi, Ac qđ manus n̄re a dicta poſſeſſione n̄ra p̄dicti manerij de Hoope Baggard cum pertineñ amouerentur, Ac qđ ipſe idem Radulphus Rogers ad plenam integram & pacific' poſſeſſion̄ ſuam inde, vna cum exitib' & proficuis inde a tempore p̄quiſitionis eiuſdē manerij p ipſum Radulph. vt p̄fertur fact' hucuſque ꝓuenieñ ſiue accideñ reſtitueret. Et p̄dict' Attorn̄ noſtr' General' qui ꝓ nob. in hac parte vt p̄dict' eſt ſequebatur in p̄dict' Cur' noſtra, ſcilicet apud Weſtmonaſter' antedict' ꝓ nob. petijt diē vlteri' cum ceteris de conſilio n̄ro in legibus erudit' inde interloquend' vſq; ad Quindenam Paſch' tunc prox' vbicunque &c. Et habuit &c. Idemque dies dat' fuit p̄fato Radulpho Rogers tunc &c. ad audiend' ſi quid idē Attornat' noſtr' General', ꝓ nob. verſus eum tunc & ibīn in hac parte allegare vel dicere poterit. Ad quam quidē Quindeñ Paſch' coram nob. in Cur' n̄ra p̄dict', ſcilicet apud Weſtmonaſter' antedict', veñ tam p̄f. Radulph' Rogers per Attorn̄ ſuum p̄dict', quā dict' Attorn̄ noſtr' Generalis qui ꝓ nob. in hac p̄te vt p̄dict' eſt ſequebatur. Sup quo idē Radulph' Rogers p dict' eius Attorn̄ petijt ſicut prius iudicium in hac p̄te ſibi p eandē Cur' noſtram reddi, Et qđ manus n̄re a dicta poſſeſſione n̄ra p̄dicti manerij de Hoope Baggard cum p̄tineñ amouerentur. Ac qđ ipſe idē Radulph' Rogers ad plenam integr' & pacific' poſſeſſion' ſuam inde, vna cum exitib' & ꝓfic' inde a tempore Inquiſic' eiuſdē manerij p ipſum Radulph' vt p̄dict' eſt fact' hucuſque ꝓuenieñ ſiue accideñ reſtitueret. Et p̄dict' Attorn' noſtr' General' qui ꝓ nob. in hac p̄te vt p̄fertur ſequebatur in p̄dicta Cur' n̄ra ſcilicet apud Weſtm̄ antedict' ꝓ nob. petijt diem vlterius cum ceteris de conſilio n̄ro in legib. erudit' inde interloquend' vſq; ad Craſtinum Sanct' Trin' tunc ꝓx' vbicunque &c. Et habuit &c. Idemq; dies dat' fuit p̄dict' Radulpho Rogers tunc &c. ad audiend' ſi quid idē Attorn' noſtr' General' ꝓ nob. verſus eum tunc & ibīn in hac p̄te allegare vel dicere poterit. Ad qđ quidē craſtin' Sanct' Trinit' coram nob. nunc in Cur' n̄ra p̄d', ſcilicet apud Weſtm̄ antedict', veñ tam p̄f. Radulph. Rogers p Attorn̄ ſuū p̄d' ct quā dict' Attorn̄ noſtr' General' qui ꝓ nob. in hac parte vt p̄fertur ſequebat'. Sup quo idē Radulph' Rogers p dict' eius Attorn̄ petijt ſicut prius iudicium in hac p̄te ſibi p eandē Cur' n̄ram reddi. Et qđ manus noſtr' a dict' poſſeſſione n̄ra p̄d' manij de Hoope Baggard cum pertin̄ amouerent, Ac qđ ipſe idē Radulph' Rogers ad plen̄ integr' & pacific' poſſeſſion̄ ſuam inde, vna cum exit' & ꝓfic' inde a tempore ꝓquiſitionis eiuſd' manerij p ipſum Radulph. vt p̄fertur fact' hucuſq; ꝓuenieñ ſiue accideñ reſtitueret. Et p̄f. Attorn̄ noſtr' General' qui ꝓ nob. in hac p̄te vt p̄dict' eſt ſequebatur dixit qđ ex quo ſibi ſufficient' conſtabat tam p quoddam Record' in Turri Lond' irrotulat' qđ dīus Rich. 2. quondam Rex Angl' p Literas ſuas patent' geren' dat' die Anno regni ſui 22. aſſig-

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nauit Elianor' quę fuit vx' Rogeri Mortimer quondam Comit Marchię pro dote ſua ipſam de hęreditate ꝑdicti Rog. contingen inter alia manet de Cleobury cum feod Milit ad illud ſpectan int quæ prædict manet de Hoope Baggard ꝑticulariter enumerat pertinere ad dict' manerium de Cleobury & de eo teneri, Necnon per depoſitiones diuerſorum teſtiū in Cur noſtra Wardorum de Recordo remanen, Necnon per decretum eiuſdem Cur noſtræ quin etiam per diuerſa alia Record expreſſ. ꝓban dictū manerium de Hoope Baggard teneri de ꝑdicto manerio de Cleobury, Ac etiam pro eo quod eidem Attornat noſtro manifeſte liquebat qđ Robertus nup Comes Leic' tempore mortis dicti Humfrid Hill fuit ſeiſitus de ꝑdicto manerio de Cleobury. Ideo idē Attorn noſtr non dedixit quin fatebatur placit & trauerſiam ꝑdict fore vera modo & forma ꝓut ꝑdict Radulph' Rogers ſuperius placitand allegaūit habitaq; ſuper inde matura & diligenti deliberac' ac de aduiſamto diuerſ. iuris peritor de conſilio nro in Cur nra ꝑdicta, ſcilicet apud Weſtm ꝑdict, ad id denotat, & ibm exiſten factaq; ſolen: ꝓni ꝓclamatione hac vice in eadē Cur nra qđ ſi aliquis nos aut Attorn nſum ꝑdict vel ceteros ſeu aliquē alium de conſilio nro in legib' erudit informare vellet quare manus nræ a poſſeſſione nra ꝑdicta antedicti manerij de Hoope Baggard cum pertinen non amouerentur, Ac quare ipſe idem Radulphus Rogers ad plen integram & pacific' poſſeſſion ſuam inde, vna cum exitib' & profic' inde a tempore ꝓquiſitionis eiuſdem manerij ꝑ ipſum Radulph. vt ꝑmittitur fact hucuſque prouenien ſiue accidē non reſtitueret, veniret & audiret nulluſq; ad id faciend ſe aliquo tēpore oportuno obtulit. Ideo Termino Sanct' Trinitat, ſcilicet 27. die Maij, Anno regni noſtri 42. conſiderat adiudicat definit & decret fuit per Thom Egerton Mil', Domin Cuſtodem Magni Sigilli noſtri Angliæ, Et per Cur noſtram ꝑdict quod manus noſtr a dicta poſſeſſione nra antedicti mañij de Hoope Baggard cum ptin amouerentur, Ac qđ ipſe idē Radulph' Rogers ad plen integram & pacific' poſſeſſion ſuam inde, vna cum exit & ꝓfic' inde a tempore ꝓquiſitionis eiuſd manerij ꝑ ipſum Radulph. vt ꝑmittitur fact hucuſq; ꝓuenien ſiue accidē reſtitueretur, Ac qđ idem Radulph' Rogers de omnibus & ſingulis pecuniat ſummis per ipſum medio tempore de exitibus & ꝓficuis ꝑdict manerij de Hoope Baggard cum pertinentijs percept ſeu quoui(modo percipiend exoneretur ſaluo iure cuiuſlibet, prout ꝑ Record & proceſſ. inde in Filacijs Cur Cancellar nręꝰ prædict reſiden plenius liquet. Et quia voluimus ea quæ in Cur Cancellar nræ pręmentionat rite acta ſunt debitæ executioni demandari, Ac ideo qđ ſecundum exigentiam Iudicij præ ſpecificat verſus nos pro præfato Radulpho Rogers reddit manus noſtrę a dicta poſſeſſione noſtra antedicti manerij de Hoope Baggard cum pertinen' ſine dilatione amouerentur, Ac quod ipſe idem Radulph' Rogers ad plenam integram & pacificam

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poſſeſſionem ſuam inde, vna cum exitibus & proficuis inde a tempore perquiſitionis eiuſdem manerij per ipſum Radulphum vt præmittitur facť hucuſque ꝓuenien̄ ſiue accidēn reſtituatur, Ac quod idē Radulph. Rogers de omnib' & ſingulis pecuniaſ ſumm̄ per ipſum medio tempore de exitibus & proficuis prædict manerij de Hoope Baggard cum pertinentijs percepť ſeu quouiſmodo percipiend exoneretur. Tibi igitur præcipimus, qđ manus noſtras a præmentionať poſſeſſione noſtr' antedicti manerij de Hoope Baggard, cum pertinentijs, in manibus noſtris virtute poſterioris Inquiſitionis prædict vt præmittitur exiſten̄, ſi ea occaſione & non alia in manibus noſtris exiſtet ſeu exiſtere debet ſine dilatione amoueas te inde vlterius in aliquo nullatenus intromittas. Ac quod ipſe ipſum Radulphum Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde, vna cum exitibus & proficuis inde a tempore perquiſitionis eiuſdem manerij per ipſum Radulphum vt prædictum eſt facť hucuſque prouenientibus ſiue accidentibus reſtituas, Quodque eundem Radulphum Rogers de omnibus & ſingulis pecuniarum ſummis per ipſum medio tempore de exitibus & proficuis prædicti manerij de Hoope Baggard cum pertinentijs percepť ſeu quouiſmodo percipiend exoneran fac'. Saluo iure noſtro & alterius cuiuſcunque exitus ſi quos de prædict' manerio de Hoope Baggard, cum pertinentijs, ratione ſeu colore poſterioris Inquiſitionis præmentionať pro nobis ſeu nomine noſtro vt præfertur perceperis, eidem Radulpho Rogers liberans vt eſt iuſtum T. R. apud Weſtmonaſterium vltimo die Maij, Anno Regni noſtri Quadrageſimo ſecundo.

A Bill or Petition for the deſaulking of a rent iſſuing out of the Wards lands, and not found by Office out of the Leaſe, to be granted by the Queene to the Comrts.

IN all humblenelle ſheweth and beſeecheth your humble ſupplyant Sect. 5
I. H. Eſquire, and I. P. late wife of C. P. deceaſed, That whereas by an Inquiſition taken after the death of the ſaid C. certified into her Maieſties Court of Chancerie, and tranſcripted into this honorable Court, and there remaining of record, it is found that the ſaid C. P. dyed ſeaſed in fee ſimple of diuers Lands and Tenements held of her Maieſtie by knights ſeruice, and that H. P. is his ſonne & next heire and within age, by vertue whereof her Highneſſe was and is lawfully intituled to the Wardſhip of the bodie and lands of the ſaid H. P. And whereas your Honor by the mediation of Maſter Doctor P. was pleaſed that your Honors ſaid ſupplyants ſhould haue a graunt of the

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wardship and mariage of the said P.P. and a Lease of the said lands and tenements during his minoritie. And whereas a great part of the said lands & tenements are in lease for diuers yeares, to haue continuance longer then the minoritie of the said Ward, which Leases with the rents thereupon reserued, are found by the said Inquisition, and by reason thereof the said lands and tenements are found at a verie great yearely value. And whereas there is a yearely rent of viij. li. issuing and going forth of the said lands and tenements, paid and payable for euer, to her Maiestie and her successors, in the receipt of her Highnesse Exchequer, which rent was not giuen in euidence vnto the Iurie, or euer remembred at the time of the taking of the said Inquisition. By reason whereof, the said lands and tenements were found at as great a yerely value as if no such rent had borne payable to her Maiestie, or any way going forth of the said lands and tenements without any exception, deduction, or allowance of the said rent. It may therefore please your Honor the premisses considered, that in the rent to be reserued to her Maiestie vpon the Lease to be made to your said supplyant, as is aforesaid, a deduction or allowance may be made of the said rent of viij. li. by the yeare, and your said supplyant not thereby chargeable to pay the same rent of viij. li. to her Highnesse, both in this honorable Court, and also in the said Court of Exchequer. And your said suppliant shall daily pray to God for your Honor in health and happinesse long to continue.

Iniunction to stay a Suit commenced in the Spirituall Court for Tythes.

By the Queene.

Sect. 6.

WE will &c. forthwith after the receipt hereof to surceasse and stay, and not to proceed any further in a suit commenced by you the said R.T. in the Court Christian within the Archdeconrie of Richmond, against E.D. widow, late wife of T.D. Esquire deceased, for and concerning all maner of Tythes in their kind, comming and growing within the Mano^r of T. in the Parish of N. in our Countie of Y. parcell of the inheritance of C.D. our Ward, nor to proceed in any other Court or place concerning the said Tythes then in our Court of Wards and Liueries, to which the iurisdiction of causes concerning our Wards inheritance, most properly appertaineth, and faile you not &c. vpon &c.

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An Inquisition whereby a conueyance it found fraudulent.

INquisitionem indentura capta apud castrum N. in Com̃ N. p̃d̃ quarto die Ianuarij anno regni domine Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, Fidei defensor &c. 40. coram W.B.C.L. Armigeria H.B. gen̄ seodar̄ Com̃ p̃d̃ E.B. W.R. & P.B. gen̄ commissionarijs dict' domine Regine, virtute commissionis dicte domine Regine ijs direct' et huic inquisicioni annex. per sacrament̄ proboꝝ et legalium hominum eiusd̄ Com̃. Qui dicunt super sacrament̄ est quod cum comper̄t suũper quand' inquisitionem capt̄ apud Swasham in Com̃ p̃d̃ 7. die Iunij anno regni dicte domine Regine, 38. coram T.M. ar̄ tunc Escaetore dicte domine Regine eiusdem Com̃ virtute breuis dicte domine Reg. de diem clausit extremum eidem Eschaetori directi ad inquirend̄ post mortem G.M. defuncti, quod quidam W.L. et E.L. diu ante obitum eiusdem G. seisiti existen̄ de et in duodecim acris terre et pasture cum pertin̄ in G. in com̃ p̃d̃, de eisdem duodecim acris feoffauerunt eundem G. et quendam G. M. H. abend' eijsd̄ G. et G. et heredibus suis ad opus et vsum ipsorum G. et G. et heredum suorum imperpetuum. Et quod ijdem G. et G. sic inde seisiti existen̄ in dominico suo vt de feodo. Et idem G.M. de alijs terris et tenementis in G. p̃d̃ H.T. et alibi infra Com̃ p̃d̃ seisitus exist' in dominico suo vt de feodo, idem G.M. per factũ suũ gerer̄ dat' 18. die Augusti anno regni dicte domine Regine, 33. ea intencione ad gratulandũ dilectum frat̄ T.M. et dilectos suos consanguineos T.N. et C.N. et S.S. gen̄ pro magnis laboribus suis quos ijdem T.T.C. et S. antea suscepe-runt in et circa negotia eiusdem G.M. ad magnam vtilitatem eiusdem G.M. et pro naturali amore quem idem G.M. gerebat versus frat̄ et consanguineos suos predict' ac pro melioracione Anglice aduancement̄ ipsorum T.T.C. et S. et ad intencionem quod ipsi et heredes eorum quos super vixerit concessel̄ annuitatem siue annualem redditum 30.li. exeun̄ de terris et tenementis predict' cuidam R.M. filio seniori ipsius G.M. et hered̄ de corpore ipsius R. procreatis et procreandis de eisdem duo-decim acris et ceteris omnibus premissis idem G.M. feoffauit eosdem T.M. fren̄ ipsius G.M. et predict' T.N. C.N. et S.S. hend' et tenend̄ omnia et singula premiss' a eisdem T.T.C. et S. et hered̄ suis ad opus et vsum ipsorum T.T.C. et S. et hered̄ ipsorum imperpetuum. Et quod paulo post scilicet vicesimo tertio die Septembris, anno regni dicte dñe Regine Elizabethæ, tricesimo tertio predict' ijdem T.T.C. et S. de eis-dem premissis feoffauerunt eiusdem G.M. hend̄ eidem G.M. et hered̄ suis ad vsum eiusdem G.M. pro termino vite sue et post mortem eiusdem G.M. tunc de predict' 12. acris in G. quondam Lomnos et de parcella premiss̄ ad vsum W.M. et E. vxor̄ eius pro termino sex annor̄ extunc proxim' Sect. 7

prox' ſequent', et ad finem eiuſdem termini tunc ad vſum dicti T.M. fratris et poſt mortem eiuſdem T. ad vſum executorum teſtamenti & vltime voluntatis eiuſdem G.M. quouſque T.M. fil' eiuſdem G.M. ad plenam ętatem xxj. annorum peruenerit, & poſt mortem ipſius T. M. filii, tunc ad opus et vſum ipſius T.M. filij et hered' de corpore ipſius T. filij ꝓcreat', & pro defectu talis exitus ad opus & vſum G.M. filij alterius eiuſdem G. patris & hered' de corpore ipſi' G. filij ꝓcreat', & ꝓ defectu talis exitus ad vſum cuiuſdam A. filiæ p̄d̄ G. patris et hered' de corpore ſuo ꝓcreat', & ꝓ defectu talis exitus ad vſum p̄d̄ G.M. ꝓ termino vitæ ſuæ, & poſt mortem ipſius G.M. ad vſum E. M. & hered' de corpore ſuo ꝓcreat'. Et q̄d̄ idem G.M. pater virtute eiuſdem feoffamenti in eadem premiſſ. cum pertinen̄ intrans, & inde ſeiſitus exiſtens in d̄nico ſuo vt de libero ten̄to ꝓ termino vitę ſuę, & ſeiſitus etiam exiſtens in d̄nico ſuo vt de feodo, de alijs terris & ten̄tis, cum pertin̄, in Brunton, & alibi in Com̄ p̄d̄. Idem G.M. pater per ſcript' ſuum gerens dat' 17. die Octobris, anno regni dict' dn̄ę Reg. triceſimo quarto conceſſit p̄fato T.M. fratri ſuo, & p̄fato T. N. conſanguineo ſuo tam p̄d̄ 12. acr' terr' in Gunthorpe p̄dict', quond' Lomnors, quā oēs alias t̄ras et ten̄ta ſua, cua ptin̄, in Gunthorp Thursford, & alibi infra Com̄ p̄d̄, hēnd̄ illas terr' et ten̄ta, cum pertinen̄, eiſdē T.M. fratri ſuo, & T.N. & hered' ſuis ad opus et vſum eiuſd̄ G.M. p̄fis ꝓ tempore vitę ſuæ, et poſt mortem eius. Tunc de et in p̄d̄ 12. acris terr' in Gunthorp quondā Lomnors, et alijs t̄ris in Bale et Hindringham ad vſum p̄f. T.M. fratris, & poſt mort' eius, ad vſum execut' ipſius eiuſdē G.M. p̄fis quouſq; p̄d̄ T.M. fil' puenerit ad ętatem xxj. annor', et tunc ad opus et vſum eiuſd̄ T. filij et hered' de corpore ſuo ꝓcreat', & pro defectu talis exit' ad vſum p̄d̄ G.M. filij et hered' de corpore ſuo ꝓcreat', & pro defectu talis exit' ad opus et vſum I. et G.M. p̄d̄ & hered' de corpore ſuo ꝓcreat', & ꝓ defectu talis exit' ad vſum E. et A. duar' filiar' eiuſdē G. M. p̄fis et hered' de corpor' ſuis ꝓcreat', & ꝓ defectu talis exit' ad vſum p̄d̄ T.M. fratris, & hered' ſuor' imperpetuum. Prout p̄ eandem Inquiſitionē (inter alia) plenius liquet & apparet. Iurator p̄d̄ modo de & ſup̄ p̄ſenti Inquiſitione impannellati, & Iurati dicunt ſup̄ ſacr'm ſuum p̄d̄, q̄d̄ p̄d̄ feoffament' ſic vt p̄fertur fact' p̄ p̄d̄ W. et E. L. & conueiancię oēs p̄d̄ in dicta Inquiſitione mēcionata & in cōmiſſione huic Inquiſitioni conſuta ſpecial' de & concern̄ p̄d̄ 12. acris terrę in G p̄d̄ fact' fuer' & quelibet eorum fact' fuit ad fraudem & couin̄ ea intencione, cauſa & propoſito ad decipiend' & defraudend' dict' dn̄am Reg. de ꝓrogatiua ſua, prima ſeiſina, liberatione, relevio, wardo, maritagio, et alio Iure ſuo quocunq; et decipiend' & defraudend' ipſam dn̄am Reg. de ꝓficuis terrar' & ten̄torum ipſius eiuſd' G.M. def. de quib' eadem dn̄a Reg. per ꝓrogatiuam ſuam & leges regni ſui Angl' durante minori ętate p̄d̄ T.M. filij et hered' ꝓpinquioris dicti G.M. def. de iure reſponderi deberet. Quodque nec eadem

feoffa-

feoffamenta conueianc' oēs p̄d', nec eor aliqua fact fuer p̄ boñ & legitim̄ cauſis & conſiderac' et bona fide, ſed fact fuer p̄ fraud' & couiñ ea intentione qua ſupradict eſt. Et vlter' Iur' p̄d' dic' ſup ſacr̄m ſuum p̄d', qd̄ p̄f. G.M. pater p̄ teſtament & vltim̄ voluntat ſuam in ſcript, gerēn dat xx. die Septemb. Anno Dñi 1591. inter alia voluit & legauit p̄f. G.M. xx. libr̄ bone et legal' monet Angl' ſoluend' eid' G.M. ad etat ſuā xxiiij. annū per execut eiuſd' G.M. p̄ris ea condic', qd̄ idem G.M. ſuffic' in lege p̄ fact̄ ſuum relaxarit p̄f. T.M. fil' et hered' eiuſd' G.M. & hered' ipſi' T.M. (& ibm̄ fact relax' traderit manib' execut p̄d' G.M. p̄ris ad opus et vſum p̄d' T.M. fil' et hered' ſuor') totū ius, titul' & clam̄ ipſi' G.M. de & in p̄d' xij. act̄ terr' in G. p̄d' q̄ nup fuer' W.L. & E.L. p̄d', ad op' & vſum p̄d' T.M. fil' & hered' ſuor', put p̄ eand' voluntat Iur' p̄d' ſup captiōn huius Inquiſ. in euidenc' oſtenſ. plen' liquet et apparet. Et vlterius Iur' p̄d' dic' ſupe ſacr̄m ſuū p̄d', qd̄ p̄f. G.M. eſt vn' filior E.M. fil' eiuſd' G.M. p̄ris & fuit infra etat xxj. ann̄, ſcz. etatis quatuor vel quinq; menſium aut eo circiter t̄epore confectiōn feoffamenti p̄d', p̄ p̄d' W. & E.L. & qd' eſt etatis xxiiij. annor', vel eo circiter tempus captionis huius Inquiſ. Et qd' p̄d' executor teſtamenti eiuſd̄ G.M. patris nondum ſoluerunt p̄d' xx. libr̄ p̄f. G.M. p̄ eand̄ G.M. legat, vt ſupradict eſt. Neq; p̄d' G.M. nondum relaxauit put Iur' p̄d' ſup captiōn huius Inquiſ. conſtare poterit. Dicunt etiā Iur' p̄d' ſup ſacr̄m ſuum p̄d', qd̄ idē G.M. pater pecuñ ſuis pp̄ijs pqueſiuit p̄d' xij. act̄ terr' in G. de p̄d' W. Et E.L. & qd̄ idē G.M. non ſoluebat aliqua pecuñ nec dedit aliqua conſideř p̄ pquiſitione p̄d' ſed fuit nōnus in eod' feoffamento, cū eod' G.M. ad decipiend' dñam Reg. put ſupradict eſt. Et qd̄ idē G.M. nullā habebat notic' dicti feoffamenti t̄epore confect' eiuſd' nec poſtea durante vita ipſi' G.M. ſed capt fuit feoffament illud in eius noīe ſine cōſenſu vel noticia ſua. Et vlter' Iur' p̄d' dic' ſup ſacr̄m ſuū p̄d', qd̄ p̄f. G.M. fil' poſt feoffament p̄d' p̄f. W. & E.L. in forma p̄d' ſibi, & p̄f. G.M. de p̄d' xij. act̄ fact intrabat ſolus in oēs p̄d' xij. act̄ & ſolus recipiebat omnes & omnimodas exit & p̄ficuas earundem, & cuiuſlibet partis earundē tam toto tempore ante feoffament ſuum inde vt p̄fertur T.M. T.N. C.N. & S. Collard fact, quam poſtea continue durante tota vita ſua, ſcz. per ſpaciū xxi annor' & amplius ad vſum ſuum proprium abſque aliqua conueiancia vel licentia p̄ p̄f. G.M. ſibi in hac parte fact'. Et qd̄ poſt mortē eiuſd' G.M. p̄ris hucuſq; W.M. & vxor eius, & E.M. exec' teſtamenti p̄f. G. ceper' p̄ficua earundē xij. act̄ & diuerſ. aliar terrar' eiuſ' G.M. p̄ris & ead' p̄fic' vel eorund' aliqua annuatim converter' ad manuten̄, vict et veſtit ipſor' T.M. et G.M. filij p̄f. G.M. p̄ris defuncti. Et qd' idem G.M. nunquā cepit p̄ficua earund' terr' nec ear' p̄tis alicui', nec aliqd̄ habuit nec hēt ad agend' cū dimiſſion̄ ſeu occupation̄ earund' xij. act̄ aut alicui' inde p̄cell'. Et vlt Iur' p̄d' dic' ſup ſacr̄ ſuū p̄d', q idē G.M. nunq; hēbat in cuſtod ſua nec videb. p̄d' fact feoff. de p̄d' xij. act̄ ſibi et p̄f.

G.M.

G.M. predē vt preferē fact' sed quod idem G.M. solus habebat in custo-
dia sua durante tota vita sua et quod post mortem eiusdem G.M. deuenit
ad manus prefati T.M. fratris vnius executorum eiusdem G.M. patris
et non ad manus dicti G.M. Et vlterius Iuratores predict' dicunt super
sacramē suum predict' quod ijdem G.M. pater nunquā intendebat quod
idem G.M. heredes vel assignat sui habeā dict' duodecem aeras terre in
Gunthorpe aut aliquam inde parcellam, aut aliquod inde proficuum
seu commod' capere attemptaret sed quod ipse idem G.M. pater eis gau-
deret solus et eas totas pro libito et arbitrio suis solus disponerer. Et vlte-
rius Iuratores predict' dicunt super sacramē suum predict' quod predict'
feoffementum per prefat G.M. patrem prefat T.M. T.N. C.N. et S.S.
vt prefertur fact' fuit pro melioratione et aduancamento Anglice
the preferment and aduancement ipsius G.M. patris et dicti T.M. fi-
lij et hered apparentis ipsius G. ea intentione vt ipsi eas reconcederent
eidem G.M. patri modo et forma prout eas eidem G. reconcesser vt pd
est et nec ad commodum siue proficuum ipsorum T.T.C. et S.S. feof-
fat predē seu eorum alicuius. Quodq; pd relique conuencie annis dne
Regine nunc 33. et 34. mentionat fact', fuerunt fact', per fraudem et co-
vinam prout supra dictum est et in fiduria et confidentia quod proficua
eorundē conuertantur ad vsum commodum et pre melioratione Anglice
preferment prefati T.M. filij et aliorū filiorū eiusdem G.M. defuncti
et non ad commodum eorundum T.M. fratris T.N. C.N. et S.S. seu e-
orum alicuius dicunt etiam Iuratores predict' super sacramē suum predē
quod idem G. pater per predict' fact' suum dat 18. Octobris anno 34.
predict' reseruauit sibi potestat et authoritatem plenam mutandi status et
limitationem ereat fact' et limitat per idem fact' sed vtrum mutauit eos
nec ne Iuratores predē penitus ignorant. Et vlterius Iuratores predict'
dicunt super sacramē suum predict' quod predict' R.M. filius eiusdem
G.M. patris superius noiatus fuit mortuus in anno 30. dicte domine Eli-
zabethæ Regine quodque predict' T.M. T.N. C.N. et S.S. nec
eorum aliquis concesserunt se concesserit predictam annuitatem seu an-
nualem reddit. triginta librarum eidem R. prout Intentio facti predict'
per prefatum G. Might eis facti prefertur pre se ferebat. Incuius rei
testimonium &c.

A Commission to enquire of a fraudulent Conueyance.

ELizabeth Dei gratia Angl', Franc', & Hibern' Regina fidei defens. &c. dilectis nobis, Willielmo Bleurhasset, Christofero Layet arm̃, Henrico Branthwait genet̃ feodario Com̃ nostri Norf. Ed. Bleurhasset, Willielmo Robinson & Petro Barker generosis saluť. Cum p̃ quandam Inquisitionem captam apud Swaffham in Com̃ nostr̃ p̃dicto 7. die Iun̄ Anno regni nostri 38. coram Tho. Methwold arm̃ tunc Escaetor̃ nostr̃ Com̃ nostri p̃dict. Virtute breuis nostri de Diem clausit extremum eid̃ Escaetori direct' ad inquirend̃ post mortem Galfridi Might capt̃ & in Cancellar̃ nostra retornat̃ (inter alia) sit compertum q̃d quidam Willielm' Lomnor & Ed. Lomnor diu ante obitum eiusdem Galfridi Might seisiti existen̄ de & in duodecim acris terræ & pasturæ cum pertinentijs in Gunthorp in dicto Com̃ nostro de eisdem duodecim acris feoffauer̃ eundem Galfridum Might & quendam Galfridum Monie, Habend̃ eisdem Galfrido & Galfrido & heredib. suis, Et quod ijdem Galfridus & Galfrid̃ sic de præmiss. seisiti existen̄, & idem Galfridus Might de alijs terris & tenementis in Thurstord & alibi infra Com̃ p̃dict' seisitus existen̄ in dominico vt de feodo. Idem Galfridus Might per fact̃ suum, dat̃ 18. August. Anno regni nostri 34. ea intentione ad gratulandū dilectum fratrem suum Tho. Might & dilectos suos consanguineos Thom̃ Norris, Cuthb. Norris, & Steph. Shoring gen̄ p̃ magnis laboribus suis quos ijdem Tho. Tho. Cuthb. & Steph. antea super se susceperunt in & circa negotia eiusdem Galfrid̃ Might feoffauit eosdem Thomam Might, Thom̃ Norris, Cuthb. Norris, & Stephan. Shorting de dictis duodecim acris terræ in Gunthorpe, & ceteris omnibus premiss. Habend̃ & tenend̃ omnia & singula premiss. eisdem Tho. Tho. Cuthberto & Stephano, & hæredibus suis ad opus & vsum ipsorum Tho. Tho. Cuthb. & Stephani, & hęredum suorum imperpetuum. Et quod paulo post scilicet 26. Septembris extunc proxim' sequent̃, ijdem Thomas, Thom', Cuthbertus, & Stephanus per cartam suam de eisdem premissis feoffauerunt eundem Galfridum Might, Habend̃ eidem Galfrido & hæredibus suis ad vsum eiusdem Galfrid̃ Might pro termino vitæ suæ, & post mortem eiusdem Galfrid̃ Might ad vsum Willielmi Money & Elizab. vxor̃ eius pro termino sex annorum extunc proxim' sequent̃, & ad finem eiusdem termini ad vsum ipsius Tho. Might fratris, & post mortem eius ad vsum executorum testatoris & vltime voluntatis eiusdem Galfridi Might quousque Thomas Might filius eiusdem Galfridi Might ad plenam ætatem viginti & vnius annorum peruenerit, &

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ad plenam ætatẽm ipſius Tho. filij tunc ad vſum eiuſdem Tho. Might filij & hæred̃ de corpore ipſius Tho. filij procreat̃, & pro defectu talis exitus ad vſum Galfridi Might filij alterius eiuſdem Galfridi patris & hęred̃ de corpore ipſius Galfridi filij procreat̃, & pro defectu talis exitus ad vſum eiuſdam Annę filiæ eiuſdem Galfridi patris & hæred̃ de corpore ſuo procreat̃, & pro defectu talis exitus ad vſum Galfridi Monie pro termino vitæ ſuæ, & poſt mortem ipſius Galfrid̃ Monie ad vſum Edmundi Monie, & hęred̃ de corpore ſuo procreat̃. Et q̃d idem Galfridus Might pater in eadem præmiſſa cum pertinentijs intrans, & inde ſeiſitus exiſtẽs in dominico ſuo vt de libero tenemento ꝑ termino vitæ ſuæ, & ſeiſitus etiam exiſtẽs in dominico ſuo vt de feodo de alijs terris & tenementis, cum pertinentijs, in Brunton, & alibi in Comitatu prædict' per ſcriptum ſuum, gerens dat̃ decimo ſeptimo Octob. Anno regni noſtri trieſimo quarto, conceſſit pręfato Thomæ Might fratri ſuo, & pręfat̃ Thomæ Norris conſanguineo ſuo tam predictas duodecim acras terræ, quam omnes alias terras & tenementa ſua cum pertinentijs ijſdem Tho. Might fratri ſuo & Tho. Norris & hæredibus ſuis ad opus & vſum ipſius eiuſdem Galfridi Might patris ꝑ termino vitæ ſuæ, & poſt mortem eius ad vſum executorum ipſius eiuſdem Galfrid̃ Might patris quouſque prędict̃ Tho. Might filius peruenerit ad ętatem viginti & vnius annorum, & ad plenam ætatem ipſius Thomæ Might filij tunc ad opus & vſum eiuſdem Tho. Might filij & hæred̃ de corpore ſuo procreat̃, & pro defectu talis exitus ad vſum præfati Galfridi Might filij & hæred̃ de corpore ſuo procreat̃, & pro defectu talis exitus ad vſum Ioh. & Galfridi Monie & hæred̃ de corpore ſuo procreat̃, & pro defectu talis exitus ad vſum Elizab. & Añ prædict' & hæred̃ de corporibus ſuis procreat̃, & pro defectu talis exitus ad vſum prædicti Tho. Might fratris & hæredum ſuorum imperpetuum, prout per eandem Inquiſitionem inter alia plenius liquet & apparet. Et cum Thomas Hesketh armig' modo Attornatus Curiæ noſtræ Wardorum & Liberat' Magiſtro & Conſilio eiuſdem Curiæ ex parte noſtra monſtrauit, quod prædict' feoffamentum & conueianciæ prędict̃ fact̃ vt ſupradictum eſt fact̃ fuer̃ per fraudẽm & couinam ea intentione cauſa & propoſito ad decipiend̃ & defraudend̃ nos de cuſtodia corporis & maritagio præfati Tho. Might filij & hæred̃ eiuſdem Galfridi Might patris infra ætatem exiſtẽs & Ward̃ noſtri ac ad decipiend̃ & defraudend̃ nos de profic' earum terrarum & tenementorum aliarum tenratum ipſius Galfridi Might patris de quibus durante minori ætate eiuſdem Ward̃ noſtri de iure reſponderi deberemus, Quæ quidem Monſtratio de noſtra parte (vt accepimus) dictis Magiſtro & conſilio Cur̃ noſtræ Ward̃ & Liberationum prædict̃ videbatur

batur fore vera, & quia prædict Tho. Might frater, Tho. Norris, & Cuthb. Norris iudicialiter vocat' eorum eidem Magistro & Consilio in eadem Curia nostra ad respondend' Informationem & Monstrationem dicti Attornati nostri non denegauerunt super sacramenta sua sed plane confitebantur feoffament' & omnes conueiancias prædict' fact' fuisse vt profertur, allegauerunt tamen quod facta fuerunt pro bonis & legitimis considerationibus & bona fide & non per fraudem neque couinam, vt suprad'ctum est. Sciatis igitur quod nos de veritate & certitudine præmissorum certos fieri volentes & de fidelitate industria & prouidis circumspectionibus vestris plurimum confidentes assignauimus duos vel plures vestrum Commissionarios nostros ad inquirend' per sacramentum proborum & legalium hominum prædict' Comitat' nostri Norff. tam infra libertates quam extra per quos rei veritas & certitudo in præmissis melius sciri poterit vtrum prædict' feoffamentum & conueiancie prædict' fact', facte fuerant per fraudem & couinam, inuentione aliqua, causa vel proposito ad decipiend' vel defraudend' nos hæredes vel successores nostros de Prærogatiua nostra, prima seisina, liberatione, relevio, wardo, maritagio, vel aliquo alio iure nostro quocunque necne, & de omnibus alijs rebus & circumstantijs fraudem couinam & deceptionem prædict' qualitercunque tangen' seu concernen'. Et ideo duobus vestrum vel pluribus vestrum præcipimus & mandamus, quod ad certos dies & loca quos ad hoc duo vel plures vestrum prouideritis exacte & diligenter super præmiss. faciatis Inquisitionem. Eamque sic fact' & in pergameno distincte & aperte script' nobis in Cancellaria nostra prædict' sub sigillis duorum vel plurium vestrum & sub sigillis eorum per quos Inquis. eadem facta fuerit sine dilatione mittatis & has literas nostras patentes. Mandamus etiam tenore præsentium Vicecom' nostro Comitat' prædict' quod ad certos dies & loca quos ei scire feceritis vel duo vestrum scire fecerint Venire fac' coram duobus vel pluribus vestrum tot & tales probos & legales homines de ballliua sua tam infra libertates quam extra per quos rei veritas in præmiss. melius scire poterit & inquiri. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipsa apud Westmonasterium vicesimo sexto die Novembr. Anno regni nostri quadragesimo.

An Inquisition upon a Deuener after the death of an heire within age, and in ward.

Sect. 8.

INquisitio Indentat capt apud W. in Com' prædꝫ xiiij. die No. Anno regni dom̃ Eliz. dei gr, &c. coram H. E. ar Escaetor dict' dom' Reg. in com predict' B. W. generos. Feodar eiusdem dom' Reg. in dict' Com̃ G. H. gen. Cõmissionar dictæ dom' Reg. virtute Commissionis dict. dñe Reg. in natura breuis, de deuenerunt eisdem Commissionꝫ direct. et huic Inquisic' annex' ad inquirendꝫ post mortem W. K. inuior filij et hered William Keeling defuncti per sacrãm &c. Qui dicunt super sacrãm suum qd predictus Will. Keeling in dicta commissionꝫ nominatus die obitus sui fuit seisitus in dominico suo vt de feodo de et in vno messuag. vno horreo, & quatuor virgat terr', cum pertin' scituat iacen et existen in Farringdon̄ et Westbrook in dicto com̃ Berk: Et ꝑdictus W.K. in dicta Commissione nominatus sic inde seisitus existens de tali statu dum infra etat: et in custodia dict dñe Reg. 21. die Sept. anno obijt sic inde seisitus. Et quod omnia & singula premissa, per mortem dict' W. patris, & ratione minoris etatis prædꝫ Willielm̃ in dict' Commissionꝫ nominat ad manus dictæ dominæ Reg. deuenerꝫ et sic in manibus dict. dom̃ Reg. existunt. Et vlterꝫ Iuratoꝫ ꝑd dicunt super sacrãm suum ꝑd: Quod predꝫ messl. et cetera premiss. cum pertin̄ in Farringdon̄ et Westbrook predꝫ in dict' com' Berk. tenent et tempore mortis dicti W. K. in dicta commissionꝫ nominat tenebant de dict' domina Reg. per terric' xl. partis vnius feodi milit: et quod valent clar p ann' in omnib' exit vlꝫ repris. liij.s. iiij. Et quod quidam R. K. est frater et propinquior heres predic' Wil. K. in dicta commissl. nominat. Et fuit tempore mortis eiusdem W. fratris sui infra ætat 21. annoꝫ viz. etatis quindecim annoꝫ ꝙ. die April. vltim' preteꝫ: Et insuper Iur: predꝫ dicunt quod prædictus W. K. in dicta commissionꝫ nominatus nec aliquis alius siue aliqui alij ad eius vsum habuit siue tenuit habuerũt siue tenuerunt aliqua al' siue plura messuag. terr' tenta siue hereditamentꝫ in dominico nec in seruicio tempore obitus sui in com' prædꝫ nec alibi quam vt supradictum est ad notic' Iuratoꝫ prædꝫ. In cuius rei testimonium vni parti huius Inquisic' penes ꝑfat. commissionar remanen̄ prefati Iur sigilla sua apposuerunt, alteri vero parti eiusdem Inquisic' penes prefat Iur remanen̄ prefat. commissionar sigilla sua apposuerunt die anno & loc' suprad.

The

The answer of Iohn Cocke Esquire, the Queenes maiesties Feodary of her highnesse County of Surrey, to the bill of Complaint of Anthony Thomas, Complainant.

THe aduantage of exception to the insufficiencie of the said Bill of compl. to this defen. now and at all times hereafter, saued hee this defen. as well for himselfe, as in discharging of his office, concerning her Maiestie, saith, That true it is, that the said Samuell Thomas, father of the said Compl. died seised in his demesne, as of fee of the said watermill, lands, tenements, and hereditaments in Horsley downe in the bill mentioned: and that the same are discended to the said complt. in fee simple, as son and heire of his said father, and that the said premisses were sometime parcell of the possessions, rents and reuenues of the hospitall or religious house of S. Iohn Ierusalem, being long since by act of Parliament and otherwise dissolued. And that although in and by a former inquisition, by vertue of a writ of diem clausit extremum, to the Lord Mayor of the Citie of London, Escheator of our soueraigne Lady the Queenes Maiestie, of her highnes borough of Southwarke, and other places in the said County of Surrey, after the death of the said Samuell &c. without that &c.

To the right honorable R. C. &c.

An Information against one for altering and razing the name of a Defendant.

SHeweth and informeth your ho. Lo. Sir T. Hesketh knight, Attorney of his highnes said court of Wards & Liueries, that whereas the said Sir T. H. heretofore by information in his Ma. Court of Wards and Liueries, for and in the behalfe of one Fr. Albanie, his Ma. ward, did informe that R. I. of Oswestry in the County of Salop gent. E. M. a sonne of the same gent. R. T. of the same, Dier, E. ap. Tho. of the same. T. G. H. Gryffith of the same Weauer, Gryffith Iones of the same Taylor, Ar. ap Rob. of the same Baker. Ric. Tailon of the same, Peredith Iones of the same Weauer, Richard ap Robert of the same Sherman, Edw ap John of the same weauer, and Euan ap Gryffyth of the same weauer, & diuerse other, whose names are not known to the said Attorney, had lately wrongfully intred and intruded into two parcells of common or waste ground, the one called Launt yr auon gouth, and the other called Lliene y bonth, parcell of the manor of Whitington in the said County, and the gralle

Sect. 9.

thereupon growing or being, did wrongfully depasture and consume, with their cattell, to the great preiudice of his Maiestie, and diminution of his Maiesties Ward: and thereupon, the said Attorney prayed his maiesties writs of priuie seale to be directed to the said persons, and to euery of them, thereby commaunding them and euery of them at a certaine day, and vnder a certaine paine therein by the said Master of the Wardes to be limitted, personally to appeare before the said Master of the said Wardes and Liueries, then and there to answere to the said premisses, and euery part and parcell thereof, vpon their corporall oathes, and also to set downe vpon their corporall oathes, what right, title or interest, they & euerie of them challenge or claime to haue of in or to the said two parcels of common or waste ground or either of them, or any part or parcell thereof, and further to stand to and abide such further order and direction in the premisses, as the saide Master of the Wards and Liueries in his wisedome should think fit, as in and by the said Information remaining of record remaining in this hir Court, more at large appeareth.

Where vpon one Thomas Hanmer of Porkington in the Countie of Salop Gentle. procured his Maiesties writ of priuie seale, dated the seauen and twentieth day of Aprill, in the third yeare of the Kings Maiesties raigne of England, France and Ireland, and of Scotland the eight and thirtieth, to be directed out of this honourable Court to the said Edward Mason, Meredyth Jones, Edward ap Euan, and John ap Gryffyth, in the said Information before mentioned, commaunding them thereby to appeare before the Master, and Councell of this honourable Court of Wards and Liueries at Westminster, octabis Trinitatis last past, there to answere to all such matters as should be laid and obiected against them by the saide Attorney of the said Court Subpœna, euerie of them fortie pounds, which said writ of Priuie seale beeing sealed, with the Kings maiesties said seale, called the Priuie Seale, and the said Edward Mason, Meredyth Jones, Edward ap John, and Euan ap Gryffyth, beeing thereby accordingly commaunded to appeare as aforesaid, and the said names therein beeing faire, written without razing, and the same writ of Priuie Seale beeing so written, and beeing by some or one of the Officers or Clerkes of this honourable Court deliuered to the said Thomas Hanmer, after such deliuery of the said writ vnto him, and before the serving thereof, the said Thomas Hanmer not hauing the feare of God before his eyes, nor due regard of his Maiesties Lawes in that behalfe made and prouided, about the thirtieth of Aprill last past, and since his highnesse last generall pardon, willingly, wittingly, and falsely, altered, raized, or caused to

be

be raized in the saide Writ of Priuie Seale, part of the Name of the said Edwarde Mason, and made or caused the same to be made and written Richard Mason, and so after such raizure and alteration, as aforesaid, he the said Thomas Hanmer, serued or caused to be serued the said Priuie Seale, by a Ticket out of the said Priuie Seale, vpon one Richard Mason of Oswestry, in the said County of Salop gentleman, to appeare in this honorable Court Octabis Trinitatis last, whereas the said Richard Mason is not made a Defendant in the said Information, and was not so named in the said Priuie Seale, when the same went forth of this honourable Court. And forasmuch as all offences done in or to this honorable court of Wards and Liueries, are punishable in that Court, and forsomuch as the wilfull raizure aforesaid deserueth sharpe and seuere punishment, to the example of all ill disposed persons, May it therefore please your honorable Lordship, the premisses considered, to grant the Kings maiesties writ of Priuie seale to the said Thomas Hanmer, thereby commaunding him to appeare and answere to the premisses &c.

To the right ho. the L. high Treasurer of England &c.

A Petition to the Master of the Wards, for the wardship of the body and lands &c.

IN most humble wise sheweth vnto your good L. your daily Orator C. L. That wheras one D. or D. W. late of Vpwell in the countie of Norff. gent. died about two moneths since, being then seised of certaine lands and tenements in the said Countie and elsewhere, of the yerely value of x.li. or thereabouts vlt Repris: And as yet no office found after his death. Now, if it may please your ho: to graunt vnto your said Orator, as well the wardship of the heire of the said D. W. as also a lease of his lands during the minoritie of his said heire, vpon such reasonable consideration as shall seeme good vnto your Lo. (his trauell and information for the title respected) which without him wil hardly be brought to light: And grant your Lo. warrant for the same vnto the feodarie &c. Eschequor, or both, as may seeme best to your L: liking, your poore Orator will at his own costs and charges find an office, and proue a tenure for her maiestie. And according to his bounden dutie, daily pray vnto God for the long continuance of your Lo: prosperous estate.

A Bill to pray licence for Traverse.

Sect. 10. HUmbly sheweth your Honor, John Starkie of &c. in Com' Lanc' Gent. That whereas by Inquisition indented, taken at Lay-gan in the said Countie of L. &c. day of Januarie, in this present xlj. yeere of the prosperous reigne of our soueraigne Ladie Queene Eliz. before &c. Escheator of our said soueraigne Ladie of the said Countie of L. by force of a writ of our said Soueraigne Lady, of Mandamus, to the same Escheator directed, to enquire of the death of Hen. Starkie Gent. late of Aighton aforesaid, in the said Countie of L. deceased, it is found & presented by the oathes of H. G. R. H. gent. and others, to the number of fiftеene in all, that the said H. Starkie, your suppliants said Father, was seised in his demeasne, as of fee, of, and in the manor of Aighton &c. in the said Countie of Lanc. and of and in three mess. &c. with thappurtenances in Claughton, in Amoundernes, in the said Countie of Lanc. And that the said Hen. Starkie, of such an estate died seised. And that your Orator is his sonne and heire, and of the age of thirtie nine yeares. And that the said mess. landes, tenements, and premisses in Aighton aforesaid, are holden, and at the time of the death of the said H. Starkie were holden of our said Soueraigne Ladie the Queene, as of her Dutchie of Lanc. by Knights service, that is to say, by the fourth part of a Knights fee. And that the said mess. lands, tenements, and premisses in Claughton in Amoundernes aforesaid, in the Countie of Lanc. are holden, and at the time of the death of the said H. Starkie, were holden of our said Soueraigne Ladie the Queene, as of her said Dutchie of Lanc. by Knights service, that is to say, by the fourth part of a Knights fee. Wherein, that is to say, in the tenures so found, the said office is false and untrue: for your suppliant doth and will averre, that the said mess. lands, and tenements in Aighton in Amoundernes, and Claughton, nor either of them, nor any part thereof, are not, nor were not at the time of the decease of the said H. Starkie, holden of our said soueraign Ladie the Queene, as of her said Duchie of Lanc. by knights service, nor by any part of a knights fee, as in the said Inquisition is, to the great losse, prejudice, and hinderance of your said Suppliant founde and presented. But your Suppliant doth and will averre and proue to this honorable Court, and so will iustifie and proue by good evidences, ready to be shewed to this honourable Court, that the said mess. lands, tenements, and premisses in Aighton aforesaid, at the time of the death of the said H. Starkie, were holden of H. late Earle of Derby, in free and common socage: that is to say, by fealtie, and

The office hath manor.

the

the rent of three graines of Pepper. And that the said Messuages, Lands, Tenements, and Hereditaments in C. in A. aforesaid, are holden, and at the time of the death of the said I. P. were holden of L.B. of C. in the Countie aforesaid Esquire by fealtie onely. And although your suppliant being within age at the time of the finding of the said Office before the said Escheator, did set forth his said ancient euidences and late Offices found according to the said euidences. And also the opinion of his counsell in writing touching the same that your suppliant his lands are holden in maner and forme afore by your supplyant alleadged, yet the said Escheator R. P. yet feodarie to her Highnesse of the said Countie of late for certen respects to themselues best knowne did informe, inhort, and incence the said Iuris that the said euidences did not proue the said tenures in socage, whereupon the said Iurie did finde for her Maiestie as aforesaid. And forasmuch as the said Office so vntruely found doth tende to the great losse, preiudice, and hinderance of your said suppliant and his heires for euer. May it therefore please your good Honoure to graunt to your supplyant her Maiesties Procesle of Prime Seale to be directed to the said E.L. Escheator of the said Countie of Lancaster, and to the said R. P. and to either of them to shew such matter as they can for her Maiestie to proue the said tenures that vpon the view of the same and of your suppliant his euidences your Honoure may be satisfied. And then to licence your supplyant for the preseruation of right and inheritance to trauerse the said vntrew Office touching the tenures aforesaid. And your supplyant as neuertheless by duetie bounden shall daily pray to God for the increase of your Honour.

An Information for the value of the mariage of a Ward, maried after the fathers death.

To the right Honourable &c.

INformeth your Honour T.H. Esquire her Maiesties Atturney of Sect. 11.
her Highnesse Court of W. and L. That whereas one I.H. of F. in the Countie of F. deceased, and R.H. his sonne and heire apparent were in their life time or the one of them was lawfully seased in their or the one of their demesne as of fee taile of and in nine messuages &c. with the appurtenances in the Townships, Villages, and Hamlets, of F.L. &c. and in diuerse other Townes and places within the said Countie of D. and of and in foure acres of Land lately encroched and taken out of the waste grounds lying in the said Townes, and of and in diuers Messuages, Lands, and Tenements, to your said Atturney vnknowne. All which premisses or the most part thereof at the time

of the deathes of the said I.H. and R.H. were and still are holden of the M. Maiesty in Capite by knights seruice or otherwise by knights seruice as of some of her Highnesse Honors or Manors. And afterwards the said F.H. had issue I.H. and of such estate dyed seised of some part of the said premisses with the appurtenances, the reasons whereof is yet vnknowne to the said Atturney. And afterwards the said I. the grandfather of the residue of the premisses of such estat died likewise seised. By and after whose deceases the same premisses discended & came respectiuely as of right they ought to discend & come vnto I.H. as son & nert heire of the said R.H. son and heire of the said I. (which R. died in the life time of the said I. his father) liuing I. his son within the age of xxj. yeares, viz. of the age of v. yeares or thereabouts at the time of his decease, and at the decease of the said I. the grandfather of the age of xv. yeares viij. monethes and xv. daies or thereabouts. By reason whereof and of the tenures of the said lands her Hi. is or ought to haue beene intituled to the Custodie, Wardship, and mariage of the said I H. and to the reuenues, issues, and profits of the said lands growing due since the decease of the said R. and I. Neuertheless so it is &c. that the said I.H. C.H. his mother the late wife of the said R.H. and A.H. brother in law of the said I. the Ward, and P.H. haue not only entred and intruded into all and singular the premisses and the rents and profits therof taken euer since the deaths of the said I.H. and R. his son, and vsed diuers other sinister and indirect practises to defraud her Maiestie of the said wardship, but haue maried the said Ward sithence the decease of the said R. and haue gotten into their hands & possessions all or the most part of the deeds, charters & euidences late the said I. & R.H. touching or concerning the premisses. By which the certaintie of the said I. & R his estat & her Ma. title & tenure might appere, by meanes whereof & of concealing the forsaid euidences & writings, a sufficient office cannot be prepared & found for the intitling of her M. to the forf. & value of the mariage of the said I.H. and profits of his lands wout sight & perusall of the said euidences, deeds & charters. May it therfore please your hon. the premisses considered, to grant her M. most gratious writ of priuie seale wt a dūc' tecū there to be conteined to be directed to the said I.H. his mother H. & P.H. cōmanding thē therby at a certain day & vnder a certain pain therin to be limited presonally to be & appere before your ho. &c. then & there to answer the premisses aswel touching the value of the mariag of ỳ said I. as ỳ profits of the lands late of the said I.H. the grandf. & R. the son by them rec. & grewdus to her H. sithence the deaths of the said I H. and R.H. but also to bring with them al & singular the deeds, charters, escripts, muniments and writings they haue or can lawfully come by any way, touching or concerning any the said messuages to the end the

same may be perused on her Maiesties behalfe for the preparing and finding of an office for her Maiestie &c.

An information for the title of an Aduowson of a Wards lands.

MOst humbly enformeth your ho. T. H. Esquire &c. for and on the behalfe of E. S. & M. S. daughters and heires of T. S. late of B. in Com̃ Wigorn̄ gent. deceased. That whereas the said T. S. being in his life time amongst other things lawfully seised in fee of & in the aduowson of the Parish Church of F. F. in the said Countie of W. died thereof so seised holding certain of his lands of her maiestie by knights seruice in Capite, by & after whose decease aswell the said aduowson as other the said lands whereof the said T. S. died seised, did discend and come as the same of right ought to discend & come vnto the said E. S. and M. S. his said daughters & heires as by office thereof found at P. in Com̃ W. the 16. day of Jan. anno 36. E. returned into her highnesse Court of Chancery, & there remain of Record, & from thence transcripted into this most ho. Court (whereby the said premisses are particularly found) may appere, By force wherof her maiestie is lawfully possessed of the Wardship of ỹ bodie & lands of them the said E. & M. as to her highnes prerogatiue & mere right appertaineth, and whereas ỹ said Church of F. F. being lately become void by the death of T. W. ỹ last incumbent there, wherby it doth appertaine to her maiestie to present to the same Church, and accordingly her maiestie by the master of this Court, hath in right of the said wardsh. presented one G. S. Clerke to the said Church, yet so it is right ho. that one R. S. of B. in ỹ said county of W. Esq. hauing by casual or vnlawful means gotten into his hands or possession ỹ euidences, charters & writings which concern ỹ inheritance of ỹ said aduowson of right belonging to her Mai. said wards by color of hauing of ỹ said euidences, doth pretend title to ỹ said aduowson & to this preset presentatiō in his owne right, & doth goe about not only to defeat & depriue her M. of her right to this preset presentatiō to ỹ same Church, but also ỹ said wards of their inheritāce therin, & to ỹ end & purpose he ỹ said R. S. hath of late dealt w̄ one A. L. gent. who was hertofore ỹ only dealer & procurer of ỹ said office to be found, and was implcied & followed al maters cōcerning ỹ same for & in ỹ behalfe of ỹ said wards & had all such writings, euidences, as cōcerned ỹ inheritance of ỹ said wards, deliuered by their frends into his hands, custudie or possessiō, for ỹ better effecting & prosecuting therof, & did therupon shew forth & produce very sufficiēt & pregnāt proofe & mater to ỹ iury ỹ ỹ said T. S. died seised in fee of ỹ said aduowsō, & that ỹ same did after his death accordingly discend & come to ỹ said wards, & yet notw̄stāding hereupon the said combination w̄ the said R. S. & vpon some secret composition betwæn thē he the said A. L. hath deliuered al or the most part of ỹ said writings & euidēces into ỹ hands & possessiō of ỹ said R. S. Sect. 7

And doth now giue out that the inheritance of the said aduowson doth of right belong vnto him the said R. and doth animat & encourage the said R.L. thereunto, and doth goe about and endeauour to maintaine his right & title in & to the same against the said Wards, albeit he the said A.L. doth well know that the said L.S. died seised thereof according to the said Office, and that the inheritance of the same ought of right to discend and come to the said E. and M. S. as daughters and heires of the said L. And for further maintaining of the said pretended right, he the said R.S. hath delt with one H.D. Clerke, who at the first also after the death of the said late incumbent, acknowledging her maiesties right of presentation to the said aduowson in the right of the said Wards, did procure vnto himselfe a presentation from her Maiestie, by the right Honorable the Lord Keeper of the great Seale of England. But now through the perswasions of the said R.S. he the said L.D. hath renounced the same former presentation from her Maiestie and hath taken a new presentation thereof from the said R.S. and by color thereof seeketh to be instituted and inducted in and to the said rectory vpon the said presentation from the said R.S. And doth acknowledge and affirme the said R.S. to be patron thereof and to haue the said right and inheritance of and in the said aduowson, and now denyeth both her Maiesties right of presentation thereunto, and the inheritance of the said Wards, contrarie to all Law and Equitie. In tender consideration whereof, and forasmuch as the presentation aforesaid, made by the said R.S. tendeth to her Maiesties great preiudice in her manifest and iust right to the same immediate presentation to her Highnesse belonging during the minoritie of the said Wards, and that her Maiestie is not only thereby like to lose the benefit thereof but also the said Wards, their inheritance of the said aduowson. And for that all the possessions, rights, and inheritances of her Highnesse Wards, are within the suruey, order, rule, gouernment, and iurisdiction of this Honorable Court, and are here properly to be heard, examined, iustified, and ordered. May it therefore please your Honour to grant her Maiesties most gratious Writ of priuy Seale to be directed to them the said R.S. A.L. and H.D. commanding them thereby and either of them at a certaine place and vnder a certaine paine therein to be limited personally to come and appeere before your Honor in her Maisties said Court of Wards and Liueries, then and there to make answer to the said premisses, and to stand to and abide such order and direction therein as to Iustice appertaineth.

A

An Information for the reliefe of an administrator of the auncestor of the Queenes Wards.

To the right Honorable Sir R.C. Knight, principall Secretarie to the Queenes most excellent Maiestie, and one of her Highnesse most honorable priuie Councell &c.

IN formeth your Honor, T. H. Esquire Attourney generall of her Maiesties said Court of Wards and Liueries, That where A.C. widow, late wife and administrator of R.C. deceased, did stand indebted to the Quæenes most excellent Maiesty in diuers summes of money in her Highnesse Court of Wards and Liueries, that is to say in the summe of 360.li. for the fine of the mariage of R.C. her Maiesties Ward, sonne and heire of the said R.C. deceased, and in the sum of 110.li. for the fine of a Lease to her the said A.C. by her Highnesse grant of the lands of the said R.C. her Maiesties Ward. And where T.H. late of D. in the Countie of B. Esquire deceased intestate, did stand bound by their seuerall Obligations to the said R.C. deceased, that is to say, in two thereof of 500.li. a peece, and the third of 200.li. as by the said seuerall Obligations, two whereof doe beare date the first day of June, in the two and fortieth yeare of her Maiesties most gratious raigne, and the third the first day of June, in the said two and fortieth yeare of her Highnesse said raigne, which said three seuerall Obligations were forfeited by him the said T.H. to the said R.C deceased, whose administrator the said A.C. is as aforesaid, and where her Maiestie was contented and pleased to accept and take the said three seuerall Obligations by assignement from the said A.C. for and in lieu toward the speedier and more readie payment and satisfying of the said summe of money so due vnto her Maiestie by the said A.C. and she the said A.C. did thereupon for the full satisfaction and payment of the said summe so due vnto her Highnesse by her deed in writing vnder her hand and seale, and of record in the Court, as in such like cases haue beene vsed, grant, assigne, and set ouer vnto our said Soueraigne Lady the Quæenes Maiestie, her heires and successors, the aforesaid three seuerall Obligations. And all the said debts, and summes of money thereby due vnto her the said A.C. as administratrix of the goods and chattels of the said R.C. her late husband deceased, which said assignment was allowed and accepted of by order and decree of this Court, made the twelfe day of Februarie, in the three Sect. 14.

and

and fortieth yeare of her Maiesties reigne. And the said T.P. died intestate before he did satisfie or pay any part of the said summes in the said seuerall Obligations mentioned, to be assigned as aforesaid, to our said Soueraigne Ladie the Quenes Maiestie. Now so it is if it may please your Honor, That the said T.P. at or neere about the time of his decease, was seised of diuers and sundrie Manors, Lands, Tenements and Hereditaments, in the said County of B. and in other places within the Realme of England, the certaintie whereof, her Maiesties said Atturney doth not know which were verily meant and intended by him the said T. P. should be sold or otherwise disposed of, for the payment of his debts, especially of the said debts were due to the said R.C. and assigned to her Maiestie as is aforesaid, and also was likewise possessed of plate, iewels, readie money, houshold stuffe, cattle and horses, and of diuers and sundry other goods and chattels of the value of three thousand pound, or thereabouts, the particulars whereof, her Maiesties said Atteurney doth not know, all which were liable to and for the payment of the said debts of the said T.P. All which said Manors, Lands, Tenements and Hereditaments, are since the decease of the said T.P. by vertue of some conueiance in trust made by the said T.P. deceased, to the purposes and vses aforesaid, come to the hands & possession of P. the elder now of D. in the said Countie of B. Esquire, father of the said T.P. deceased, E.P. of the middle Temple London Esquire, T.D. of London Esquire, W.M. of London Merchant, T.P. the yonger Esquire, sonne and heire of the said T.P. deceased, R.P. of D. aforesaid Gentleman, and of G.F. of in the Countie of B. aforesaid, or of some of them who haue entred into the said Lands, Tenements, Manors, and Hereditaments, and haue and doe still conuert the profits thereof to their or some of their owne vses. And also all and euerie the said plate, iewels, readie money, houshold stuffe, catel, horses, and other goods and chattels of the said T.P. deceased, come to the hands of the said T.P. the elder, E.P. T.D. W.M. T.P. the yonger, R.P. and G.F. or to some of them, who without any administration to them or to any of them committed, haue and do still conuert the whole benefit of the said plate, iewels, and other the goods and cattels aforesaid, to their or some of their owne proper vses. and whereas the said T.P. was a litle before and neere the time of his decease, in speech and communication with the said W.M. for a marriage to be had and solemnised betwen the said T.P. the yonger, then sonne and heire apparant of the said T.P. deceased, and M. the daughter of the said W.M. for which there was agreed to be payd by the said W.M. to the said T.P. the summe of two thousand and fiue hundred pound, for the true paiment whereof, the said W.M. became

bound

bound to the said E.P. in the summe of fiue thousand pound, or some such like summe, the certaintie whereof her Maiesties said Attourney doth not know for the payment of the said summe of fiue hundred pound, at certaine dayes then to come, which bond was made to the said T.P. the elder, E.P. T.D. T.P. the yonger, R.P. and G.F. or to some or one of them in trust, to and for the proper vse and behoofe of the said T.P. deceased, his executors and administrators. And forasmuch as the said Manors, Lands, Tenements, and Hereditaments, plate, iewels, readie mony, and other the goods and chattels aforesaid, late the said T.P. are and ought to be in all equity and good conscience liable to and for the paiment of the said debt of the said T.P. deceased. And also forasmuch as the said summe of two thousand and fiue hundred pound, which the said bond was made by the said W.N. was for the proper debt and dutie of the said T.P. deceased, which if it had beene made to the said T.P. deceased, himselfe would haue been liable in the hands of the administrators of the said T.P. deceased, for the payment of the said debts alligned, as is aforesaid, to the Qu. Maiestie. And forasmuch as the certaintie of the said lands, goods and chattels, are best knowne to the said T.P. the elder, E.P. T.D. W.N. T.P. the yonger, R.P. and G.F. or to some of them, and that they can and will declare the truth of all the premisses vpon their oathes. And forasmuch as her Maiestie is without remedie to recouer the said debts alligned to her, as is aforesaid, without the ayde and assistance of this honorable Court, but is like to be defeated thereof, vnlesse this Court take some order for some due remedie to be had therein out of the said goods and chattels, lands and tenements, of the said T.P. according to the trust and true meaning of the said T.P. toward the payment of the debts aforesaid, sadue to her Maiestie, whereof her Maiesties said Attourney doth enforme this honorable Court, and prayeth the aide and aduice of this Court in the premisses. It may please your Honor to award her Maiesties processe forth of this honorable Court to them the said T.P. the elder, E.P. T.D. W.N. T.P. the yonger, R.P. and F. and euerie of them, thereby commanding them and euerie of them, to appeere in this honorable Court, at a certain day and vnder a certain paine, in the said Processe to be limited, then and there to answer the premisses, and to set downe vpon their oathes, what Landes and Tenements, goods, chattels, and summes of money which were the said T.P. in the time of his sicknesse whereof he dyed, or neere the time of his death, or what bills or bonds for debts due to the said T.P. deceased, haue come to their or any of their hands, and of what value they were, or either, or any of them, are or then were, and where the same Lands, Tenements, Goods, Chattels, and Debts, doe lye

and

and are. And by what title they or any of them doe claime the Lands, Tenements, Goods, Chattells, and Debts, and to what or whose vse or vses. And to what trust and confidence, and vpon what considerations they or any of them doe claime the same, to the intent that her Maiestie may be satisfied of the said summes of money and debts, due to her Highnesse, and to abide your Honours order therin, as to equitie shall appertaine. And the said T. H. shall pray &c.

An Information for detaining of Euidences, and concealing the Tenure of the lands of a supposed Ward.

To the right Honourable Sir Robert Cecill, Knight, principall Secretarie to her Maiestie, and Master of her Highnesse Court of Wards and Liueries.

Sect. 15. SHeweth vnto your Ho. Thomas Hesketh Esquire her Maiesties Attorney of this Court for and on the behalfe of her Maiestie, That whereas one Richard ap Rowland ap Hugh late of Mathaueine in the Countie of Mountgomerie Gentleman, deceased, was in his life time lawfully seised in his demesne as of fee, or fee taile, of and in diuerse &c. and of and in other lands, tenements, &c. vt sequitur. And whereas one Rowland ap Hugh late of Mathaueine in the Countie of Mountgomerie Esquire, and Richard ap Hugh his sonne likewise deceased, was in his life time also lawfully seised in his demesne as of fee, or fee taile, of and in diuerse manors, messuages, lands, tenements, and hereditaments, with their appurtenances to the same belonging, being in the Commotes, Townships, & Parishes of Arwestlie, alias Arustley, Keueilwck, alias Cauilwck, Mathaueine, Llanwozin, Kemyes, Mouthey, and Machlloyd, in the Counties of Salop, Mountgomerie, and Merioneth, and of and in other lands, tenements, and hereditaments, with their appurtenances in other places, to her Maiesties said Attorney yet vnknowne, all, or the most part whereof, are holden of her Maiestie by Knights seruice in Capite, or of some of her Maiesties Honors, Castles, or Manors, by Knights seruice onely: And that the said Rowland ap Hugh, and Richard ap Rowland ap Hugh, or the one of them, being of all and singular the premisses so seised, died of such an estate seised, about yeares last past, By and after whose deceases, the same premisses discended and came, as of right they ought to discend and come, vnto one Rowland

Rowland ap Richard ap Hugh, then and yet within the age of one and twentie yeares, as ſonne and heire of the ſaid Richard ap Rowland ap Hugh, and as coſin and nert heire of the ſaid Rowland ap Hugh (that is to ſay, ſonne and heire of the ſaid Richard ap Rowland ap Hugh) ſonne and heire apparant of the ſaid Rowland ap Hugh. By reaſon whereof, her Maieſtie is lawfully intituled to the wardſhip of the body and lands of the ſaid heire. But ſo it is, if it may pleaſe your honor (as the ſaid Attorney is informed) That one Richard Price of Gotharhan in the ſaid Countie of Mountgomrie Eſquire, the ſaid Rowland ap Richard ap Hugh, I. Loyd ap Dauid gentleman, and Reynold Williams Eſquire, Thomas Stanton & Rich. Smith gent. haue gotten into their hands and poſſeſſion, the deedes, charters, and Eſcripts, Miniments and Writings, by which the eſtates and tenures of the premiſſes do plainely appeare, and do thereby (and by other indirect practices) indeauour to conceale from her Maieſtie, the ſaid wardſhip, to her highneſſe great preiudice and loſſe, and to the euill example of others, if remedie ſhould not in this caſe be in conuenient time had and prouided. In conſideration whereof, may it pleaſe your honour to graunt her Maieſties moſt gracious writ of Priuie Seale, with a dec' ſecum therein to be contained, commaunding the ſaid Richard Price, Rowland ap Richard ap Hugh, I. Lloid ap Dauid, Reynold Williams, Thomas Staunton, and Richard Smith, and euery of them, perſonally to be and appeare before your honour, in her maieſties ſaid Court of Wards and Liueries at a certaine day, and vnder a certaine paine thereinto to be preſtred, and to bring with them thither, and there to deliuer all ſuch deedes, charters, euidences, eſcripts, miniments, Court rolles, and other writings whatſoeuer, as are remaining in their or any of their hands or poſſeſſions, or in the handes or poſſeſſion of any other by their or any of their conſents, knowledges or deliuerie, which they or any of them may lawfully come by any way, concerning the premiſſes, or any part thereof, to the end the ſame may be peruſed by this honorable Court for the finding of an offre for her Maieſtie accordingly.

Pleadings in the Court

An Information against certaine persons, for vnlawfull intruding vpon a supposed Wards Lands, and cutting down his woods, with other wastes committed.

To the right honourable &c.

Sect. 16. SHeweth and informeth your ho. Sir I. L. Knight, his Ma. Attorney of his Ma. said Court of Wards and Liueries, That whereas John L. Esquire late deceased, was in his life time lawfully seised in his demeasne, as of fee, of and in diuerse manors, lands, and woodgrounds, with their & euery of their appurtenances in Nelvent Wolleston, alias Woldon, Congley, Pattantley, Ottenhall, and Kilcot, in the Countie of Glouceſter and elsewhere, to the said Atturney as yet vnknown. And the said I. L. being of all & singular the said premisses seised as aforesaid, in or about ij. yeres last past, of such an estate therdied so seised, W. L. being his son and next heire, and within the age of 21. yeares, that is to say, of the age of years, or thereabouts, at the time of the death of his said father. All which mannors, landes, and woodgrounds, or the most part thereof, now are, & at the time of the death of the said I. L. were holden of his M. in chiefe by knight seruice, or otherwise by knight seruice, as of some of his Ma. honours, or manors. By reason whereof, and of the said tenure, his Ma. ought to be intitled by office after the death of the said I. L. the father to the custodie, wardship, and mariage of the said heire, and to the rents, issues and profits of all the said premisses, for and during his minority, and after his full age, vntill liuerie sued out of his said Ma. hands, of and for the said premisses. But now so it is, may it please your good Lo. as the said Atturney is informed, That E. L. Esquire, Sir E. E. E. Gent. I. C. and W. I. a Taylor, R. W. alias D. and A. his wife, and diuerse other persons, whose names are as yet to his Ma. said Atturney vnknown, and which he praieth may be inserted in this Information, haue since the decease of the said I. L. the father, by vndue meanes gotten into their hands, custodie, and possession, all the deeds, writings, and euidences, touching and concerning all the said premisses, whereby his Ma. said tenure, and title of and to the custodie and wardship of the body and lands of the said heire doth and may appear. And by colour thereof, haue wrongfully entred and intruded into and vpon the possession of all the said premisses, and the rents, issues, and profits thereof, haue euer since the decease of the said I. the father, taken, perceiued, and yet doth take and perceiue, and the same conuert to their owne vse: and haue hitherto by like vndue & sinister meanes, indeuoured and gone about to conceale and suppresse his Ma. said tenure and title, of and to the said custody and wardship of the body and

lands

lands of the said W. L. the heire. And the said E. L., Sir T. E. E. J. C. R. W. alias D. and A. his wife, and W. J. or, not cõtenting themselues therwith, haue since the deceasse of the said J. L. the father, made and contriued diuers & sundry secret estates to themselues and others, of and in the said premisses, and haue committed diuerse great decayings of the houses, and selling and cutting downe diuerse & sundry woods, and timber trees, standing and growing in & vpon the said premisses, and wastes and spoiles. And the said R. W. alias D. and A. his wife, as in the right of the said A. or the said A. alone in her widowhod, haue commenced suite at the common law, against the tenants of the said lands for the dower of the said A. of, in and out of all the said landes wherof the said J. L. the father was seised, or died seised as aforesaid. In consideration of all which premisses, and for that the aforesaide wastes and wrongs do greatly tend to the preiudice of his said Maiestie, and the manifest disherison of his Ma. said ward, and are done in contempt and derogation of this ho: Court and the iurisdiction therof. And for that a good and sufficient office cannot be prepared and found after the death of the said J. L. for the intitling of his said Ma. to the custodie, wardship and mariage of the said W. L. the heire, and to the rents, issues and profits of all the said premisses, for and during his minoritie, and after his full age, vntil liuery sued as aforesaid, without the sight, view, and perusal of the said deeds, writings and euidences, and ỳ seuerall answers of ỳ said E. L. Sir T. E. E. J. C. R. W. alias D. & A. his wife, & J. Taylor, had to ỳ premisses. May it therfore please your good Lo. to grant his Ma. most gracious writ of priuie seale with a ducens secum, to be directed to the said E. L. Sir T. E. E. J. C. R. W. alias D. & A. his wife, and W. J. taylor, and to euery of them, cõmanding them, and euery of them thereby, at a certaine day, and vnder a certaine paine therein to be limitted, personally to be & appeare before your good L. in his ma. said court of wards and liueries, then and there to answer the premisses: and to set down vpon their oathes, what deeds, writings, & euidences, touching or concerning all or any the said premisses, haue at any time come to their hands, custodie or possession, or to the hands, custodie or possession of any other person or persons whatsoeuer, by their deliuerie, consent, or procurement. And also what estate title, or interest, they or any of them haue, or pretend to haue, of, in, or vnto all or any the said premisses. And to stand to, and abide such further order & direction touching the same, as to your good Lordship, shall seeme most agreeable to iustice and equitie. And also to grant his Ma. most gracious Writ of Iniunction, to be directed to the said E. L. Sir T. E. E. J. Cowcher. Woodhull, alias Odell, and A. his wife, and Jenken taylor, their seruants and work-

men, and to euery of them, ioyning them thereby to stay and surceasse from cutting or felling downe any of the woods or timber trees standing or growing in or vpon the said premisses, and not to carry away from the said premisses, any woods or timber trees, which are already felled and cut downe. And also to be directed to the said Woodhull, alias Odell, and Anne his wife, their Councellors, Attorneyes, and Solicitors, and to euery of them, inioyning them and euery of them, thereby to surceasse and stay from further proceeding in the said suite commenced by the said Woodhull, alias Odell, and Anne his wife, against the tenants of the said lands as aforesaid, vntill they haue answered this Information, and this honourable Court taken further order therein.

A Bill for the deliuery of a Releasse, and other Euidences into the Court, to preserue the inheritance of the heire.

To the right Honorable &c.

Sect. 17. SHeweth vnto your ho. Lo. your humble suppliant H. C. Esquire, That wheras John Quick of the parish of S. James neer Taunt, within the county of Somerset, was in his life time lawfully seised in his demeasne as of fee, amongst diuerse other lands, of, and in certaine lands, tenements, & hereditaments, lying and beeing in Eastpenard within the countie of Somerset aforesaid, and so being seised about 7. yeares last past, for diuerse good causes and considerations thereof, did infeoffe Thomas H. Esquire, John C. Esquire, Edmund H. gent. Roger Ch. gentl. Thomas G. and William Collard, to haue and to hold, for them, their heires, and assignes for euer. By force of which feoffement, the said feoffees were of the premisses iointly seised to the and their heires. And so beeing seised, the said Edmund Huddie, shortly after died, and the said other Feoffees aforesaid them held in the premisses by right of suruiuour. And the said Thomas Mallet, John Coles, Rob. Chap. Thomas Gib. and William Collard, so being ioyntly seised to them and to their heires, the said John Coles, Robert Chaplin, Thomas Gibbon, and William Collard, by their sufficient deede in writing, did remise and releasse vnto the said Tho: H. their ioynt cofeoffee, and his heires, all their right and title, in and to the aforesaid landes, tenements, and hereditaments in Eastpennard aforesaid in his demeasne, as of fee, and so beeing seised, of such estate dyed seised about halfe a yeare last past, after whose decease, the same discended and came as it ought, to discend

diſcend and come vnto Mallet, his ſonne and nert heire, being at the time of the decreaſe of his ſaid father of the ags of fiue yeares or thereabouts, by reaſon whereof, and for that the ſaid landes, tenements and hereditaments, are holden of the Queenes Maieſtie, by Knights ſeruice in chiefe, as by diuerſe Recordes ready to be ſhewed to this honourable Court doth and may appeare: the cuſtodie, wardſhip, and marriage of the bodie and lands of the ſaid Mallet of right appertaineth to her highneſſe. But ſo it is, if it may pleaſe your good Lordſhip, that Io. C. Eſquire, Rob. Chapl. Gent. Tho. Gibbons, and William Collard, haue gotten into their hands and cuſtodie, the aforeſaid deed of releaſe, whereby the landes, tenements, and hereditaments in Eaſtpennard aforeſaid, were aſſured vnto the aforeſaid T. M. and his heires, pretending by hauing and keeping the ſaid releaſe, that the right and title of the ſaid Ward, in and to the aforeſaid lands, tenements and hereditaments, ſhould no way appeare, but be concealed, to the defrauding of the Queenes Maieſtie, and to the diſheriſon of the ſaid Ward if ſpeedy remedie be not therin prouided by order of this honorable Court. And alſo haue likewiſe gotten into their hands diuerſe other deedes, Indentures and writings, concerning the ſaid landes of right appertaining to the ſaid Ward. In conſideration whereof, and foraſmuch as your ſaid Suppli. cannot proceede further to intitle her Maieſtie by office vnto the ſaid lands, without ſight, or hauing the ſaid deed of Releaſe, and other deedes, and euidences aforeſaid. It may therefore pleaſe your good Lordſhip to grant the Qu. maieſties writ of priuie ſeals, to be directed vnto the ſaid Io. Coles, Roger C. T. Gib. and W. C. commaunding them, and euery of them, immediatly vpon the ſight thereof, not oney to appeare in this honourable Court to anſwere the premiſſes, but alſo to bring with them the ſaid dæde of Releaſe, made by them vnto the ſaid Tho. Mallet, father of the Warde, and alſo the ſaid writings, dædes, and Indentures aforeſaid. And further to ſtand to and abide ſuch order and direction concerning the premiſſes, as to your good Lordſhip ſhall ſeeme moſt meet and conuenient. And your ſaid Suppliant alſo prayeth proces againſt &c. immediatly to appeare in this Court, to anſwere ſuch Interrogatories concerning the premiſſes, as ſhall be exhibited againſt them at their comming, in the behalfe of the ſaid Ward.

A Supplication not to haue the body of a Warde diſturbed vntill the truth of the office may be examined.

Sect. 18

IT pleaſed your honor in the end of the laſt Terme to grant a Commiſſion to enquire after the death of Hugh Boſtock within the Countie of Cheſter. By vertue whereof an office is found and returned for the Queenes Maieſtie, whereby the ſonne and heire of the ſaid H. is claimed to be in ward to her highneſſe, and granted by your honor vnto one of the ſonnes of my Lady N. who hath ſold him ouer vnto one Maſter G. for that the ſaid office was very indirectly founde and gotten, in that the Commiſſioners there ſitting, vtterly reiected, and would not ſuffer any euidences to be giuen or ſhewed forth for the Infant, as alſo receiued the verdict of the foreman of the Iurie, the reſt of the Iurors, or the moſt of them not conſenting, but denying their aſſent thereunto, as is manifeſtly to be proued: and for that in truth the Infant ought not to be in ward to her highneſſe, as by his Euidences may plainely appeare.

My humble ſuit vnto your good Lordſhippe, on the behalfe of the ſaid Infant is, that his body and landes may not any way be diſturbed by ſuch title of wardſhip, vntill the truely of the tenure and proceedings may be examined in the Court of Wards, where I haue prayed licence to trauerſe and auoid the ſaid office ſo found as aforeſaid, which ſhall be proſecuted with all ſpeed and effect.

An Iniunction to auoyde poſſeſſion vpon a Leaſe.

Sect. 19

WEe will and commaund you and euerie of you, all excuſes and delaies ſet apart, forthwith vpon the receit, ſight or knowledge hereof, to auoide from the poſſeſſion and occupation of one capitall meſſuage or tenement called Bronny, with certaine houſes there ſtanding, one hundred and twentie acres meadowe, one hundred acres paſture &c. with the appurtenances in our Comtie of Carmarthen, being found by office to be parcell of the inheritance of Will: ap Morgan, ſonne and heire of Morgan ap Dd. amounting to the ſumme of one hundred ſeuenteene pound, twelue pence, and the ſame landes in our hands and poſſeſſion, doe yet continue for lacke of Liuerie to be ſued of the ſame out of our ſaid hands by the ſaid Will. ap Morgan. And that you, and euery of you, do permit and ſuffer Euan ap Powell, Drouer or Farmor thereof, and his aſſignes, quietlie to haue, hold, occupie and enioy the ſame premiſſes, and euery part thereof

accor-

according to the tenor of our demise and graunt to him thereof made, vnder the seale of our Court of Wards and Liueries, bearing date the third of this moneth of June, without let, molestation, deniall, or interruption of you, or any of you, or any other by your meanes, assent, or procurement. Or else that you, and euery of you, be, and personally appeare before the Master and Councell of our said Court at Westminster, the third day of July next comming, then and there to answere vnto all such matters as shall be obiected against you, and euery of you on our behalfe. And faile you not &c. Giuen &c.

An Iniunction to stay from cutting downe of Woods.

WEe will and commaunde you, and euerie of you, all excuses and delayes set apart, to be, and personally appeare before the Master and Councell of our Court of Wardes and Liueries at Westminster Oct. Hillarij next comming, then and there to answer to all such matters as shall be obiected against you and euerie of you by E. D. And further, that you, and euery of you, from henceforth doe surcease to fell, cut downe, or carry away, or cause to be felled, cut downe, or carried away any woods, or vnder woods, standing, growing, or beeing, in and vpon one parcell of woodground called rootes, in our Countie of Salop, late the lands of I. B. Esquire deceased, vntill you shall receiue further order therein from the Master and Councell of our said Court. And faile ye not the accomplishment hereof, vpon paine of you and euery of you two hundred pound. Giuen vnder the seale of our said Court, the 13. day of June, in the 32. yeare of our raigne. Sect. 20.

Alia forma.

WEe will &c. forthwith vpon sight, knowledge, or receit heereof, to surcease and stay the cutting, felling, and carrying away of any timber, wood, or vnderwood, in, or out of Acreton wood, called Brother Croft, within our Countie of Linc. beeing parcell of the lands and possessions of Tho. G. warde, vntill you shall receiue further order from the Master and Councell of our Court of wardes and liueries, concerning the premisses, not failing &c. Giuen &c.

A Bill for an Iniunction to auoide from Land found by office.

To the right Honorable &c.

Sect. 21. HUmbly sheweth vnto your good Lo. Iane A. committee of Richard A. her highnesse ward, That whereas it appeareth by office taken after the death of George Vernie, father of the said ward, that the reuersion of the manor of Minifield, with thappurtenances within the County of Glouc. did discend vnto the said ward after the death of his father, and that one Katherine L. was tenant for terme of life of the said manno⁊, the reuersion thereof to the said heire. And whereas the Qu. Ma. by Indenture vnder the seale of her highnesse Court of Wards and Liueries, dated the 1. day of December, in the xvij. yeere of her highnesse raigne, hath among other things demised to the right honorable Rob. Earle of Leic. the said manor of Minifield, with thappurtenances within the said County of Glouc. to haue and to holde from the death of the said Katherine during the minoritie of the said heire, yeelding and paying therfore yearely, as in the said Indenture ready to be shewed vnto your good Lordship more at large appeareth. The state and interest of which said right honorable R. Earle of Leic. of and in the said Manor with the appurtenances, is by good conueyance in law, assigned vnto your said Suppliant. And whereas further, since the said conueyance and assignement made, that is to say, the fourth day of May, in the xxiij. yeare of the reigne of our soueraigne Lady Q. Eliz. the said R. Lyngen being tenant for terme of life, of the said manor, with thappurtenances is deceased, wherby the said reuersion is discended in possession to the said warde, and so belongeth vnto your Lo. said Suppl. by vertue of the assignement aforesaid. But so it is right hon. That one R. H. of Minifield in the saide county of Glouc. of his own wrong and without any title, hath not onely entred into the said manor of M. with thappurtenances, and expulsed your Suppl. and with diuerse riotous and disordered persons, doth detaine and keep the possession thereof against your said Suppl. But also during his said wrongfull possession, hath cut downe great store of timber, trees, growing vpon the premisses, and them caried away and conuerted to his owne vse. And yet ceaseth not to continue the said spoile and waste, together with his wrongful possession in the said manor, to the great preiudice and disheritance of the said Ward, and hinderance of your said Suppl. who ought to haue the possession of the said lands, by vertue of the lease thereof, vnto the right hon. Re.

Earle

Earle of L. as aforesaid, and the assignment of the said lease vnto your said supplyant, made as aforesaid, and so much the rather for that the same lands are found by office to appertaine vnto the said Ward in possession after the death of the said E. In consideration whereof, it may please your good Lordship to grant the Quænes Maieſties Writ of Iniunction, to be directed vnto the said R. H. and all other persons to auoid from the possession of the said Manor of N. with the appurtenances, and to permit your said supplyant quietly to haue and enioy the same, during the minoritie of the said ward, according to the grant aforesaid to her thereof made. And further to prohibit them and euery of them not to fell or carie away any wood or timber trees, growing or being vpon the premisses, vntill further order shall be taken by your good Lordship, and your said supplyant shall daily pray for your honor.

A Bill of Complaint for an Iniunction to stay a ſuit at the Common Law.

To the right Honorable &c.

SHeweth vnto your good Lordship P. D. Esquire, That whereas the Sect. 22
Tuitodie, Wardship, and Mariage of E. H. sonne and heire of W. H. Esquire deceased, was about fiue yeares last past, by the Master and Councell of this honorable Court, granted vnto your said supplyant, and whereas your said supplyant hath by one Indenture couenanted with the said Master and Councell amongst other things, that if at any time during the minoritie of the said E. any strip, waſt, spoile, disorder, or incrochment be done or made vpon the inheritance of the said Ward, or that any hurt or hinderance is intended or may any way grow vnto the said Ward during his minoritie. That your said supplyant forthwith vpon knowledge thereof had, should certifie the same vnto the said Master and Councell, and prosecute forth their order for reformation thereof. And whereas the said E. H. yet being within age, is lawfully possessed of forrie acres of Innmarsh called Lynwoods, and forrie acres of Outmarsh called Linwods outmarsh in Wonden within the Countie of Eſſex, for terme of diuers yeares yet to come, of which said premisses one Richard Clerke is also fermor vnto the said Ward. So it is right Honorable, That one Thomas Lodge pretending title to the said fourescore acres of Marsh in Wonden aforesaid, hath lately brought an Ejectione firmæ in her Maieſties Court, commonly called the Kings Bench, against the said Richard C. for the lands which he holdeth as aforesaid

pretending

pretending by some feigned title to recouer the said lands against the said K. C. to the great losse and hinderance of the said Wards beeing within age, and so vnable to defend the same if speedie remedie and redresse be not prouided by your good Lordship. It may therefore please your honorable Lordship the premisses considered to grant her Maiesties Writ of Iniunction to be directed to the said T. L. his Councellors Attorneys &c, and euerie of them, commanding them &c. thereby vnder a certaine paine therein to be limited, to surceasse any further to proceede or call vpon the said suit. And your said supplyant shall &c.

A Bill of Petition into the Court of Wards, for the continuance of the tener of Liuerie.

To the right Honorable Sir W. C. of the most Honorable order of the Gerter Knight, Lord high Treasurer of England, and Master of her Maiesties Court of Wards and Liueries.

Sect. 23

BEseecheth and prayeth your good Lordship H. Earle of H. That whereas the said Earle tendred his Liuerie vnto your good Lordship the eight and thentieth day of September in the eightenth yeare of the raigne of the Quenes Maiestie that now is, for all the Manors, Lands, Tenements, and Hereditaments, which discended vnto him after the discease of L. late Countesse of H. as sonne and heire vnto the said Countesse, the which was granted to him by your good Lordship for foure monethes. The prosecution whereof, the said Earle earnestly labored, but yet for the want of the deeds and euidences of most of the said Manors, he could not in that time proceed, for without them the tenures and estates of the said Manors could not be found. In consideration wherof, a further continuance of ỹ said tender was granted vnto the said Earle, vntill the Vtas of this Terme. And now forasmuch as the said Earle could not by any waies or meanes get the said deeds and euidences in conuenient and fit time for the prosecution of the said Liuery, for that the said Countesse had by occasion of diuers Suits in Law touching the said Manors, deliuered them into the hands of diuers & sundry persons, wherof many were to the said Earle vnknown. May it therefore please your good L. that forasmuch as without the said deeds & euidences, the said Earle could not without preiudice as well to her Maiestie as to himselfe goe forward in the prosecution of his said Liuerie, to grant vnto the said Earle that he may continue his tender thereof vntill the fifteenth of S. Michaell next following.

A Letter to a Noble man to appeere and answer to a Bill in the Court of Wards after not answering vpon a former Letter.

AFter my hartie commendations to your good Lordship, whereas ther was a letter from me directed vnto your Lordship in Trinitie Terme last, desiring your Lordship to send your Solicitor or some of your Councell to take out a copie of a Bill or Information exhibited against you before me, in his Maiesties Court of Wards and Liueries, on the behalfe of L. M. whereunto your Lordship was also required to haue made answer in the beginning of Michaelmas Terme last, whereby the cause might receiue such spædie triall as to Iustice appertained, and for that I am informed that your Lordship hath not accomplyshed the premisses, these are therefore ernstlie to require you forthwith to do the same or otherwise to signifie the cause of your stay and refusall in that behalfe, And so I bid you hartily farewell, in her Maiesties said Court, the 9. day of Ianuarie 1606. Sect. 24

An Information against an Officer at Armes, for pulling downe and defacing the Coate Armor, &c. remaining in a Cathedrall Church belonging to the father of a Ward &c.

To the right Worshipfull Sir W. C. Knight, Master of the Kings Maiesties Court of Wards and Liueries.

IAformeth your Mastership, Sir I. L. Knight, his Maiesties Attornie of the same Court, on the behalfe of I. G. Esquire, his Maiesties Ward, sonne and heire of Sir W. G. late of B. in the Countie of Yorke Knight, deceased. Whereas by Inquisition taken after the death of the said Sir W. G. &c. setting downe the substance thereof, as by the said Inquisition returned into his Maiesties high Court of Chancerie, and there remaining of Record, and from thence transcripted into this honorable Court more at large appeereth. And the Kings Maiestie being of the Wardship of the bodie and lands of the said I. G. so as aforelaid seased, and to the same lawfully interested by consequence whereof, the mariage of the said Ward without disparagement belongeth to his Maiestie of common right, and consequently is and ought to be so much the more for his Maiesties profit and aduantage, by how much he the said Ward is a Gentleman generously Sect. 25.

discended of ancient families and of noble parentage: Yet so it is that one R. Saint George calling himselfe Norroy alias Norrey by his office at Armes, V.Y. and E.V. or some one of them, by the priuitie and consent of the rest, haue of late since the said Inquisition found, that is to say in and about the second day of September last past, entered into the Cathedrall Church of Pinster in the Citie of Y. and then and their most vniustly pulled downe and defaced the Coat Armor, Crest, Penons, and other the lawfull and approued Ensignes of Gentrie of the said Sir W. G. Knight, and which are from him lawfully discended to his Maiesties said Ward, not only to the said Wards great disgrace & impeachment in his mariage, and consequently to the Kings manifest preiudice that way, but also to his the said Wards losse and damage of C.li. at the least bestowed at his said fathers funerals, vpon the said R. alias Saint G. V.Y. and E.V. his deputie or deputies in those parts, for publishing of Ensignes of Armory at such times and other seruices of that kind, and for tricking, coloring, preparing, and setting of them vp in the place where they lawfully stood. In tender consideration whereof, and forasmuch as his Maiestie will not by the Law of his Kingdome disparage his people of whom he is the Soueraigne and generall Gouernor and Protector, and consequently may not dispose of his said Ward in mariage with a Gentlewoman, vnlesse the said Ward be by discent also a Gentleman, and consequently cannot make that benefit of his mariage with a Merchant, Artificer, or Yeomans daughter, as with a Gentlewoman. And forasmuch as the said Saint G. alias R. hath by this his action greatly hindered the estimate of the said Wards mariage, and so much the more impeached the means of his aduancement thereby, by how much he is an Officer at Armes, & hath done the said wrong by vertue and color of his Office: And forasmuch as this honorable Court is ordeined and established for the iustifying and relieuing of his Maiesties wards in all things that shall touch or concerne them, as well in their persons as in their lawful meanes of preferment as this doth, as in their lands and possessions. It may therefore please your Masterships, the premisses considered, to award his Maiesties most gratious Processe of priuie Seale, to be directed to the said R. Saint G. alias R. alias R. V.Y. and E.V. commanding them and euerie of them thereby at a certaine day and vnder a certaine paine therein to be limited, personally to be and appeare before your Masterships in his Maiesties high Court of Wards and Liueries, then and there to answer to the premisses, and to shew cause if they can why he or they should not redifie, erect, and new set vp the said Ensignes of the Wards gentrie, and abide such further order &c.

A Demurrer wherein the defendant being charged for money that he had paid vpon a bargain of wood which the plaintifes suppose to belong to a Ward; howbeit the defendant submitteth himselfe to the order of the Court, vpon the deciding of the cause &c.

THe said defendant by protestation not acknowledging any thing in the said Bill surmised, & alleadged to be true in such maner and forme, as in the same is contained, doth say that forsomuch as the drift and scope of the said Bill, doth seeme to be onely to demand money for certaine wood sold to this defendant, whereto the said complainants did intitle themselues vnder or by vertue of a Lease made thereof by her Maiesties Councell of this honorable Court, during the minoritie of P. D. now her Maiesties Ward, part of whose inheritance the said wood land is surmised to be, whereupon as this defendant is enformed the said complainants may haue good remedie by way of accoumpt at the Common Law, if their owne allegation on that behalfe be trew, and may by due and ordinarie course of accoumpt at the Common Law recouer the price of the said wood or damages for the same if any hath beene so taken and bought by this defendant, as in the said Bill is alleadged, doth humbly pray the iudgement of this honorable Court, if he shall be impleaded or sued for the same in this honorable Court, by Bill, seeing he may be also sued and impleaded for the same at the Common Law, as he is informed by his Councell, and yet neuertheless if it shall seeme fit to this honorable Court to determine the said cause, and to put this defendant to any further answer the aduantage to the incertaintie and insufficiencie of the said Bill, now and at all times to this defendant saued, for further answer and for more full satisfaction of this honorable Court touching so much of the said Bill as concerneth him this defendant, he saith and freely confesseth, that he this defendant did heretofore about the time in the Bill alleadged, buy of one Master Edward Digges in the Bill named, a certaine portion of the said wood in the said Bill mentioned, being about or very neere fower acres, halfe an acre, and halfe a yard, after the price of fiue and fortie shillings and eight pence the acre, comming in all as this defendant taketh it to be, the summe of tenne poundes and some odde money, about fiftene shillings and some ten pence. And this defendant doth also further say, that he paid to the said E. D and his assignes, the said full summe of ten pounds two shillings and tenne pence or thereabouts, in full contentation of the said bargain.

Sect. 24

And

And moreouer, this defendant saith, that at that time when this wood was to be sold, he had heard that the said E.D. and one C.D. his brother, were in suit for this land, and that the matter was ready to come downe into the Countrey for triall, whereupon this defendant being desirous to haue part of this wood for his mony, and being also willing to know of whom he might safely buy some part thereof, did enquire how the trial was like to passe, and of whom he might safely buy some of the said woods, and thereupon did heare of diuers, whose names he doth not now remember, that the said master E.D. might well and safely make him sale of part of the said wood. And as this defendant then heard it commonly spoken in the Country, it was verie likely and the common opinion of most men, that the cause would passe with the said E. or C.D. Uncles to the said Ward for their parts in gauelkind of the said woods which moued this defendant to bargain with the said E.D. for the same. And this defendant vtterly denieth that he had euer any warning or knowledge giuen to the contrarie, as in the said Bill is vntruely surmised. But this defendant hath heard, that since the said complaints or some body for them in their names haue heretofore exhibited a Bill in this most honourable Court against the said E.D. and others touching this cause for the mony arising of this woodsails, whereunto the said E.D. hath made his answer vpon his Oath (as this defendant hath heard, and therein doth expresly confesse) that he made sale of this wood (now againe drawne into question) and that he hath receiued mony for the same, and sheweth his title to be for that he was in possession of his gauelking part therein during the life of his eldest brother E.D. father to the said Ward, and hath not since lawfully beene put from the possession thereof, the which matter this defendant hath credibly hard and beleeueth to be true, and doth hope it shall be sufficiently proued when the said complainants will proceed in the said cause, vpon this their said Bill. Howbeit that forsomuch as this defendant is a verie poore man, and aged, and by reason of his pouertie and age, vnfit to follow suits, and altogether vnwilling to enter into any course, to vndergoe the charges and expences of trying of the said title betweene the said complainants and the said E.D. he this defendant doth most humbly refer himselfe to the consideration of this most honorable Court touching the premisses, and doth most willingly of his owne accord for his owne quietnesse, offer to put in good assurance to this honorable Court, that if the plaintifes will proceed vpon their former Bill, against the said E.G. who hath left sufficient authoritie with his Soliciter to follow the same (as this defendant is informed) that then vpon the hearing of the matter the Court shall not rest satisfied that the said E.D. hath good title to hold and detaine the said

wood.

wood-money, then if the said E. or his Soliciter, doe not within one moneth after, make sufficient satisfaction for the said money soe by him receiued of this defendant as is aboue said, that then he this defendant will forthwith pay the same againe to such person or persons as this Court shall order and direct the same, without that that any other mater or thing in the said Bill conteyned, and materiall for this defendant to answer vnto and herein not alreadie nor sufficiently confessed and auoided, trauersed or denied, is trew, all which maters this defendant is readie to auer and proue, as this honorable Court shall award and prayeth to be hence dismissed, with his costs and charges in this behalfe wrongfully sustained.

The Reioynder of Edward Hales Esquire, and Edward Elton Gentleman, to the Replycation of Thomas Hesketh Esquire her Maiesties Attourney of her Highnesse Court of Wards and Liueries.

The said defendants say in all things as in their said answer they haue pleaded and alleadged, without that, that the said E. E. the father, held of her Maiestie in Cheife by Knights seruice or otherwise in Chiefe by Knights seruice, land in P. in the Countie of S. as in the said replycation is alleaged, and with that, that these defendants will auer and proue that the said I. H. mentioned in the said answer and replycation had & ought to haue the Custodie, Wardship, and Mariage, of the said E. E. one of this defendants, for as by reason that some part of the land of the said E. E. deceased at the time of the death of the said E. were holden of the said W. H. mentioned in the said answer and replycation as of his Mano[r] of B. and that the said W. H. did as he might lawfully doe, grant the said Wardship of the body and mariage of the bodie of the said E. E. one of the defendants, and his lands so holden of the said M. as in their said answer they haue formerly alleadged and set downe, and with that, that these defendants will likewise auer and proue that the said W. H. did make and pretend title to the said Wardship of the said E. E. one of the said defendants, in such sort as in the said answer is alleaged, which matters these defendants are ready to auer & proue, and humbly praieth as in their said answer they formerly prayed. Sect. 26.

A Demurrer to a Bill for petition of Trauerſe, exhibited by a Leaſee for yeares.

Sect. 25

The ſaid defendant by protestation not confeſſing or acknowledging any thing in the ſaid Bill of Complaint contayned, materiall for him the ſaid defendant, to anſwer vnto, to be true, ſaith, that the ſaid Bill of Complaint is vntrue, vncertain, and inſufficient in the Law to be anſwered vnto, to the which the ſaid defendant ought not, neither is compellable by the law to make any anſwer, for that it doth not appeare thereby that the ſaid complainant hath or had any right, title, or intereſt, either of, in, or to any the ſurueios or tenures found by the ſaid firſt Inquiſition in the ſaid Bill of Complaint mentioned, or of, in, or to any eſtate of freehold, and inheritance, in any the Manors, Meſſuages, Lands, Tenements, or Hereditaments, in the ſaid Inquiſition mentioned, but that the ſaid tenures, ſurueis, manors, and premiſſes, and part and parcell thereof, at the time of the finding of the Office and Inquiſition, in the ſaid Bill of Complaint mentioned, which the ſaid complainant by his ſaid Bill of Complaint, deſireth now licence of this hon. Court to Trauerſe, were and yet be the freehold and inheritance of others, and that the ſaid complainant hath and claimeth onely in a part of the ſaid Manors and Lands, a terme for yeares, and not any other or greater eſtate, in reſpect whereof, the Lawes and Statutes of this Realme doe not allow any Trauerſe for the ſaid complainant. For which cauſe and for that H. B. Eſquire, ſonne and heire of the ſaid A. hath exhibited a former Bill of Complaint into this hon. Court, of the effect and purpoſe of the ſaid complainants Bill, is yet depending, whereby the ſaid H. B. Eſquire, offereth as the ſaid complainant now doth to maintaine the ſaid firſt Inquiſition, and all the tenures of the ſaid Manors thereby found, and therefore deſireth to be admitted to Trauerſe the ſaid tenure and laſt Inquiſition, the ſaid defendant abideth in Law vpon the ſaid complainants Bill of Complaint, and demandeth the iudgement of this hon. Court thereupon, and prayeth to be diſmiſſed out of this hon. Court with his coſts for this vexation without any further anſwer making.

Of

OF THE STARRE-CHAMBER.

THe dignitie of this Court is such and so great, as no other Kingdome hath ever erected the like, being without pairs or equall: for in the Terme time when Causes are heard in Westminster Hall, every weeke twice (which is usually on Wednesdayes and Fridayes, and the next day after that the Terme is ended) the Lo. Chancelor, when any such is, or Lo. Keeper of the Great Seale of England, whose authoritie is one and the same (by force of a Statute made Anno 5. Eliz. c. 18.) the Lords and others of the Kings Maiesties Priuie Councell, the Prime of the Clergie, the Lords and Barons of the Land, which are no Priuie Councelors (such of them as will) and the Iudges, especially the two chiefe of either Bench, doe then & there (during the time limitted for Iudges to determine Causes, that is, from the houre of 9. to the houre of 11. but commonly longer) sit in that Court. And although the Honorable Sir Th. Smith, Knight, late principall Secretaris to the most famous Princes, K. Edward the 6. & Qu. Elizabeth, in his booke de Republica Anglorum saith, it is called Camera Stellata, the Starre-Chamber, because the Windowes and Roofe thereof haue bin and are adorned and painted with the pictures of Starres, yet emblematically they resemble the bodie of the Iudges of that Court, consisting of persons of great eminencie (such as are before named) being the principall men of the two great Estates of this Kingdome, the Lo. Spirituall and Temporall: The head of which bodie, is our Soueraigne Lord the King, who when he pleaseth, sitteth there in his owne person: But in his absence, these Iudges doe censure and determine all Causes there depending, by maiorities of voices, deriuing their light and authoritie from his Maiestie, as the Starres from the Sunne.

That most Honorable Sessions of Nobilitie censureth the Oppressions, Quarrels, Contentions, Iniuries, Routs, Ryots, & vnlawfull Actions, perpetrated most commonly by insolent, forcible, & powerfull parties, and no meane persons, against some priuate subiect. It punisheth sundry other sorts of offences, conspired against his Maiesties Person, such as are vnder the degree of Treason: offendors also against the Persons of the Nobility and States of the Realme, as Scandalum Magnatum, and the like: also Duels and priuate Challenges made betweene partie and partie, contraris to his Highnesse Edicts & Proclamations, and any libellous or seditious speaking or writing against the publike State, or against priuate persons. Periuries, Forgeries,

Conſpiracies, Subornations, Maintenance, Champerties, and ſuch corrupt dealings are there likewiſe heard, and the offendors puniſhed. Alſo diuers Vſages and Cuſtomes in matters, for the benefit of the Commonwealth, haue beene and are there ouer-ruled: As Orders to be obſerued amongſt Corporations and Companies: For we read, that a ſmall Decree of this Court made by Th. Wolſie, Cardinall & Archbiſhop of Yorke, Primate & Chancelor of England Anno 20. H. 8. concerning Artificers in London being ſtrangers borne & much wronged our native countrymen, was confirmed by a ſtatute made An 21. H. 8. cap. 16. where note, that in the exemplification therof, the words are Inſpeximus Decretum per Nos & Conſilium noſtr in Camera Stellata reddit, intimating, that that which is awarded by the Lords there, is done by the King: And therefore all Bils and Informations exhibited there, are titled and ſtiled on this maner, To the Kings moſt excellent Maieſtie.

In this Court, the party delinquent is commanded by his Maieſties moſt gracious Writ of Subpœna, vnder a penaltie therein expreſſed, to appeare & anſwer his offence: who comming & ſeeing (except the preſence of the higheſt our ſaid moſt dread Soueraign the King & Prince) as it were the Maieſtie of the whole Realme, placed like Starres for their height of Birth and Authoritie, although he be neuer ſo ſtout, he will be abaſhed, & being called to anſwer (for appeare he muſt, of what degree ſoeuer he be) the Grauitie, Reaſons, & Remonſtrances of thoſe chiefe Perſonages do ſo orderly one after another handle the party offending, as be his courage neuer ſo great, his heart will fall downe to the ground, eſpecially if his anſwere be not the better. They will command him to the Fleet, to be kept ſometimes in cloſe Priſon, as the Iudges ſhall appoint, there to remaine, vntill through the reſtraint of his liberty, & the extraordinarie expences which he muſt there ſuſtain, like one reſting in oblition, being thus wearied, he ſhall be glad (after his ſubmiſſion & long ſuit of his friends) to be ordered by reaſon.

Sometimes, according to his deſert, he ſhall be fined to pay a great ſumme of money to the King, beſides his coſts & damages giuen to the plaintife. Sometimes he is adiudged to ſtand on the Pillorie, to loſe his eares, & to haue his noſthrils ſlit, in token of his more infamie: and ſometimes his goods are confiſcated, & his lands are ſeiſed into y Kings hands, yea, for ſome tranſgreſſions, his houſes and buildings ſhall be throwne downe, his woods felled, & meadow grounds plowed vp, and the greater men ſhall haue the greater puniſhment, when they offend, Potentes potenter puniuntur, becauſe it is an old cuſtome to take example from and according to the doings of the Nobler ſort: All which chaſtiſements notwithſtanding, the matter for which he attempted ſuch

crime, is remitted to the Common Law. Therefore this Starrie Place seemeth like a Bridle to curbe the errors of lowt Noblemen & Gentlemen, that would offer wrong vnto any sort of persons, and will not be content to abide the order of Law, but be their owne carvers.

Some men haue thought, that the said Cardinall Wolsie was the first inuentor of this most Ho. Court, & others deeme that it is of more antiquitie, because the most renowned Prince K. Henry 7. hath sitten there in his owne person: howbeit, the said Cardinall much augmēted the same, & made it of greater authoritie then it was before his time of Greatnesse: For he being Archbishop of Yorke, had a speciall eye vnto the demeanor & carriage of the Nobility & Gentry in the North parts, and if he heard of any misbehauior to be by any of them comitted, they were sent for, & there compelled to answer their doings before him and others the Peers & Barons of this Realme: and besides that, whereas there were certaine outrages made by thole of the better sort, being farre from the K. and Courts of Justice, and as ordinarie fighting amongst them, vsing force as their law, banding to vse & reuenge iniuries as they liked, in such violent manner, as the most Noble Prince K. Henry 8. did much dislike the same: After that he had sent for them one by one in this Court, to answer before such Peers as pleased him: when they had receiued relation of their offences, and how well disciplined both by words & punishment, suffering some imprisonment, their courage and purse being asswaged, they then began to liue in better order.

Finally, to preuent & restraine disordered persons from running into such enormities, as much as possibly may be, on the last day of sitting in this Court after the Termes ended, the L. Chancellor or L. Keeper for the time being, vsually after a most graue manner pronounceth a speech (as a Charge giuen from the K. Maiestie) in open Audience of the whole Assembly (consisting of the better sort of Gentlemen, dwelling in seuerall Counties of this Realme) exhorting them all to repaire home, and circumspectly to haue to the conseruation of the K. Lawes, that the Peace be the more strongly kept, that Dissentions, Quarrels, and Warres be stirred to arise, grow to a head, and that the Iudges in their Circuits and elsewhere, and all Sheriffes, Iust. of Peace, and other the K. Officers, should likewise be vigilant to performe y which to their charge rightly belongeth, with diuers holsome Cautions and Counsels tending to the tranquility & benefit of his Commonwealth. And thus you may a little perceiue the dig & puissance of this Court: Now followeth an Essay of the maner & matter of Bills & Informations, Answeres and Demurrers, practised in that Court, as hereafter may appeare.

A Bill of Petition for a Subpœna out of the Starre-chamber, exhibited by Sir I. C. against Iustice T. as well for diuerse Ryots committed by his seruants, as also for breaking his Oath, and taking of Bribes: in which is recited the Oath of a Iustice of the Common Lawes, and his Dutie, according to the tenor of two seuerall Acts of Parliament, made An. 18. & 20. E. 3. *viz.*

To the Queenes most excellent Maiestie.

Sect. 1

IN most humble wise complayning, sheweth vnto your Highnesse your daily Oratour Sir I. C. &c. That where the said Sir I. C. is seised in his demesne as of fee, of and in the manour of A. &c. And he being so thereof seised, inclosed with a hedge the said manour of A. and was thereof seised in his demesne as of fee, vntill that Sir I. T. your Maiesties Iustice in your Court Palatine of Chester, and one of your Highnesse Councell in the Marches of W. pretending the title of the said waste sometime to be in your Highnesse, as parcell of your Honour of F. and sometime to be in Iuliette and his tenants &c. and sometime in the Right Honourable Sir H. P. L. A. &c. hath in Curtesy wrong molested and troubled your said Oratour, his said tenants and seruants, not only by vnlawfull meanes, procesle, and suits, but also hath many diuerse and seuerall times forcibly, riotously, and routously plucked vp the inclosure of your said subiect, and beaten, imprisoned, and cruelly hurt and maymed your said Oratour and seruants. For further declaration whereof, may it please your Highnesse to vnderstand, that about C. in the third yere of your Ma. reigne, one L. H. and P. L. by the procurement of the said I. T. pretending your said Oratours inclosure to be against right & order of Law, did exhibite a Bill into your Highnesse Court of Requests, whereto after Answere, a Commission was awarded. But the said I. T. notwithstanding &c. did so delay &c. that your said subiect was dismissed out of the said Court: after which time, your said subiect was seuerally and quietly seised in the said &c. without any manner of interruption, vntill that about the second of M. in the yere of your most happie reigne, certaine persons by the number of an hundred, did vnlawfully and riotously assemble themselues in manner of Rebellion in A. aforesaid, and in the night time did pull downe and cast away the said Inclosure. For which their excesse outrage, the said persons were indicted at C. of an vnlawfull Assembly & Riot committed at A. aforesaid, notwithstanding

the

the said Sir I.T. sent letters in their behalfes, after which said Indictment, found by the allesement of the said Sir I.S. T. being Iustice of Peace in the said Countie by his earnest labor, and the offendors that was indicted of the said notorious rebellion, and vnlawfull assembly, were fined at, or vnder twelue pence, &c. to the great incouragement &c. Whereupon your said subiect exhibited a Bill against the said riotous persons before your Maiestie, and your highnes Councell in this most honorable Court hanging, which suite the said Sir I T. treated, and making the case to bee his owne, as, and but before any ende &c. A pardon in the 0000 yeare &c. whereupon the said Sir I. T. perceiuing his said vnlawfull attempt to passe thus still vnpunished, and still minding to pursue his deadly malice against your said subiect, that if the inclosure aforesaide were not within 0 dayes &c. that he himselfe, and which was accordingly &c. And thereupon now of late, in the Tearme of &c. The said Sir I.T. caused to be exhibited in the name of Sir H. P. knight, vnto your highnesse into this honorable Court a bill of Riot against the seruants vnto your said subiect, pretending that the defendant had forcibly inclosed to his disturbance of the Common of the said Sir H. P. of &c. as of his manor of I. Whereunto when the said defendants had pleaded not guiltie, the said Sir I. T. perceiuing that his said attempt could not haue &c. stayed &c. And although the place where the riot was supposed to bee done, be in the Countie of W. and out of the Commission &c. of W. where the saide Sir I. T. being both Iustice and partie, the matter could not &c. hanging which suite about 00. of June last, the said Sir I. T. appointed sometime one person, and sometime another, sometime diuers vnknowen desperate vagabounds weaponed with &c. as well by day as by night, to pull vp &c. And if it fortuned any of the seruants of your said subiect to disturbe the vnlawfull enterprises, and in defence of &c. they were by diuers companies lying in ambushes, and Alehouses, and assailed, and namely &c. Sequitur, misusage of his men. And if any of your highnes subiects were hurt &c. it were some such as by the procurement of the said Sir I T. did breake your highnesse peace, in pulling downe the inclosure, abusing their authoritie to the furtherance of their vnlawfull attempts of the said Sir I.T. and to the intent the euill healing, and the misdemeanors of the said Sir I. T. may the better appeare vnto your most excellent Maiestie, as well to outrages against others your highnesse good subiects, as against Sir I. T. now complainant. So it is most gracious Soueraigne Lady, that notwithstanding the most wholsome lawes and ordinances set forth and established by authoritie of Parliament by your Maiesties most noble Progenitors Kings of this realme for the fur-

furtherance and better execution of Iustice, for performance whereof all your Ma. Iustices of your common lawes of this realme do take a corporal oath, the effect of which oath is set forth by authority of a parliament in the xviij. yeere of your highnes most noble progenitor King E. 3. that is to say, that euery Iustice shall sweare, That he shall serue the King and his people in the office of Iustice, And that lawfully hee shall counsaile the King in his businesse, And that he shall not counsell nor consent vnto any thing which may turne him to damage or disherison by any maner of way or colour. And that hee shall not know the damage or disherison of the said king, whereof he shall not doe to be warned by himselfe, or by some other. And that he shall euer doe lawe and execution of right to all his subiects rich and poore, without hauing regard to any person. And that such a Iustice shall not take by himselfe priuily nor openly gift or reward of golde or siluer, nor of any other thing which may turn to his profit, vndesse it were meat or drink, and that of small value, of any man that should haue any plea or processe hanging before him, as long as the same processe should bee so hanging, nor after for the cause. And that he take no fee so long as hee shall bee Iustice, nor robes of any man great or small, but of the King himselfe. And that he giue none aduice or counsaile to no man great or small in no case where the King is partie. And in case that any of what estate or condition came before him in his Sessions with force and armes or otherwise against the peace, or against the Statute thereof made, to disturbe execution of the common law, or to menace the people, they may not presse ỹ law that he should do their bodies to be arrested and put in prison. And in case they were such ỹ he might not arrest them, that he certifie the King thereof, and of their names, and of their misprisonment hastily, so that he might thereof ordeine conenable remedy. And that he the said Iustice by himselfe nor by other priuily nor apertly maintaine any part or quarell hanging in the Kings Court or elsewhere in the country. And that hee deny to no man common right by the kings letters nor none other, nor for none other cause. And in case any letters come to him contrary to the law, that he shall doe nothing by such letters, but certifie the king thereof, and go forth to do the law notwithstanding the same letters. And that he shal do and procure the profit of the King and of his realme and crowne, with all things where he may reasonably do the same. And in case he were from thencefoorth found in default in any of the points aforesaid, he shall be at the Kings will of body, landes, and goodes, thereof to be done as it shall please him, as by the same statute more plainely appeareth. And euer and besides that same oath so set forth by the said noble prince E. 3. by authoritie of a Parliament, as is aforesaid, the said King being greatly

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mouued in conſcience vnto all his ſubiects. And being bound by oath to ſée due execution of his lawes vnto all men, amongſt other things in the 20. yeare of his reigne, by authoritie of Parliament he likewiſe eſtabliſhed, That all his ſubiects ſhould doe euery right to all people without more fauour ſhewing to one then to another. And that they ſhall take neither fée nor robe of any man but of the King. And that they ſhall take no gift or reward by themſelues nor by any other priuily or apertly of any man that hath to doe before them by any way, except meat or drinke, and that of ſmall value. And that they ſhall giue no counſell to no great man nor ſmall where the king is partie, or which doeth or may touch the King in any point, vpon paine to bee at the Kings will, landes, body, and goods, to doe thereof as her ſhall pleaſe, as in caſe they doe the contrary. Notwithſtanding ſuch good, godly, and wholeſome lawes, the ſaid Sir I. T. knight, being conſtituted and made by your Maieſtie, your highnes Iuſtice of the county P. and T. and other parts of W. hauing receiued the oath, and alſo being learned in your Ma. Lawes of this Realme. Neither hauing God ne yet the dutie of a godly Iuſtice before his eyes, but hauing within himſelfe a corrupt minde, and a deſire of vnlawfull getting of other mens goods by vndue meanes, did amongſt other his outrages, and corrupt dealings ſithence ſuch time as hée was conſtituted your Maieſties Iuſtice, as is aforeſaid. And being alſo ſcorned with his Letter with his owne hand vnto one I. P. Eſquire, your Maieſties Atturney in the Marches of Wales: the tenure of which ſaide Letter enſueth in manner and forme following. After my heartie commendations &c. I. T. by which ſaid Letters it may as well appeare vnto your Maieſties moſt excellent wiſdome, as by diuers other his euill demeanors vſed within the compaſſe of his ſaid Office, ouer well the ſaid Sir I. T. hath deſerued to be called to account for the euill demeanors of himſelfe, as well againſt your Ma. as alſo your highneſſe good ſubiects, your lawes, and alſo your highnes crowne and dignitie. In conſideration whereof, may it pleaſe your Highneſſe to graunt to your ſaid ſubiect your moſt gracious ſeuerall Writs of Subpœna, to be directed out of this moſt gracious and honorable Court to the ſaid Sir I. T. commanding him &c. before this moſt honorable Counſel in the Court of Starre chamber, then and there to anſwere &c. And your ſaid humble ſubiect ſhal daily pray to God for the preſeruation of your highneſſe in all felicitie moſt happily long to reigne.

A Bill in the Starre-chamber for a Riot.

To the Queenes moſt excellent Maieſtie.

Sect. 2

IN moſt humble wiſe ſheweth and complaineth vnto your highneſſe, your ſuppliant, and humble faithfull ſubiect F. G. of &c. That whereas one R. F. of D. within your highneſſe ſaid Countie of D. Eſquire, together with John D. did enter and become bounden to your graces ſaid ſuppliant in one Statute Staple, in the ſumme of &c. for the performance of certaine couenants contained in one paire of Indentures made betweene your highneſſe ſaid ſuppliant on the one partie, and the ſaid R. F. on the other party, which ſaid Statute Staple was after by the ſaid R. forfeited for not performance of diuers couenants conteined in the ſaid Indentures, whereupon your ſaide ſuppliant according to the vſuall courſe and forme of the common Lawes of this your realme, procured the ſame Statute to be certified into your highneſſe Court of Chauncerie. And after your highneſſe ſaid ſuppliant purſued forth of the ſaid high Court of Chauncerie one Writ to take the bodie of the ſaid R. F. and to extend his lands and tenements, which Writ was directed to the Sheriffe of your Maieſties Countie Palantine of Cheſter. Vpon the receipt whereof the ſaide Sheriffe made and directed his Precept to one W. W. and H. T. and others ioyntly and ſeuerally for the apprehenſion of the body of the ſaid R. F. And the ſaid H. T. one of the eſpeciall Bailiffes, by vertue of the ſaid precept, repaired to the dwelling houſe of the ſaide R. F. within your highneſſe ſaid Countie of C. And there finding the ſaid R. F. nere the ſaid houſe, the ſaid H. T. by vertue of the ſaid Precept, commaunded the ſaid R. F. to yeld himſelfe vnto him, and to obey your highneſſe Proceſſe. But he the ſaid R. F. beeing a very riotous perſon, hauing lined for the moſt part of theſe ten or twelue yeares as an outlaw, contemning all due adminiſtration of Iuſtice. And all Proces that haue bin ſued forth againſt him in ſundry your highnes Courts, by diuers and ſundry your highnes ſubiects, about the twelfth day of October laſt paſt, ſuddenly and in a great rage, hauing in his handes a long piked ſtaffe, made a moſt grieuous and perillous aſſault and affray vpon the ſame H. T. and then and there moſt grieuouſly ſtroke the ſaid H. T. in the left ſhoulder, that by reaſon thereof he ſhall neuer be able to relieue himſelfe. And then and there the ſaid R. F. by the ſupport and helpe of diuers his tenants and houſhold ſeruants in moſt riotous and vnlawfull wiſe aſſembled to take his part, R. H. & E. gaue vnto the ſaid H. T. many and ſundry other diſe blowes and ſtrokes

ſtrokes vpon ſundrie parts of his bodie, and in the end by their helpe and comfort, the ſaid R. F. eſcaped to his dwelling houſe from the ſaid T. And after your Maieſties ſaid ſuppliant to his great coſtes and charges, was inforced to ſue out of your highneſſe Court of Chauncerie, one other Extendi facias, directed to Sir I. S. knight, then high Sheriffe of your Maieſties ſaid Countie of C. who by vertue thereof ſummoned a Jurie of twentie perſons to appeare before him at a certaine place called T. within your highneſſe ſaid Countie, about the eleuenth day of Nouember laſt, to inquire what lands and tenements the ſaid R. F. was ſeiſed of, the day of the ſaid Statute Staple knowledged, or at any time ſithence, And after the ſaid Jurie being impaneled and ſworne, and euidence vnto them giuen, found vpon their corporall oathes, that the ſaid R. F. was ſeiſed of and in &c. to the cleare yerely value of 40. marks ouer and aboue all charges and reprizes, as by the ſame Inquiſition more at large doeth and may appeare. And the ſame inquiſition being after put in writing, and ſealed with the ſeales of the ſaid Jury, the ſaid Sir I. S. the Sheriffe of your Ma. ſaid countie, certified and returned the ſame into your Ma. high Court of Chauncery. And immediatly thereupon your highnes ſaid ſuppl. ſued forth of the ſaid high Court of Ch. one writ of Liberate, directed to one H. M. eſquire, then Sheriffe of your Maieſties ſaid county, by vertue whereof the ſaid H. M. about the 22. of January laſt paſt, repaired to the ſaid capitall meſſuage, meaning to haue executed your Maieſties ſaid Writ of Liberate, according as he was by the ſame commanded. And then and there finding the out ward gates of a certain little court adioyning to the ſaid capitall meſſuage faſt barred and ſhut vp, was inforced to breake open the ſame. And comming to the doore of the ſaid houſe, knocked at the ſame, and willed them that were within to yeld vnto him the poſſeſſion of the capitall houſe, declaring openly and ſundrie times by what authoritie, and to what intent hee was come thither. And this notwithſtanding, and that alſo your maieſties Sheriffe had taried there moſt part of fiue or ſeuen houres, willing thoſe which then were in the ſame houſe to obey your highneſſe ſaid Writs and authoritie, yet they nothing regarded the ſame, whereupon the ſaide Sheriffe was inforced with ſuch company as was then with him, to breake open one of the doores of the ſame houſe, and ſo to enter into the ſame. And at his comming in, he found there in the ſame houſe in moſt riotous and warlike manner vnlawfully aſſembled, T. F. iunior, F. F. R. B. R. L. M. S. &c. and others to the number of fortie perſons, being there put in by the ſaid R. F. to keepe poſſeſſion for him, and to his vſe, and by his commandement, hauing vpon them long forreſt

billes,

billes, piked ſtaues, bow and arrowes, and diuers other kindes of vnlawfull weapons, as well inuaſiue as defenſiue, being moſt of them perſons vnknowen to your Maieſties ſaid ſuppl. And diuerſe of the ſaid defendants being ſent for, and procured by the ſaid F. to come out of L. ſhire, S. ſhire, and D. ſhire, being ſuch men as haue no certain habitation, but wanderers abroad like maſterleſſe men, whereupon the ſaid Sheriffe after much time ſpent, and great reuenge of them threatned vnto your ſaid ſuppliant, cauſed all the ſaid riotous perſons to depart out of the ſaid houſe. And thereupon put your ſaid ſuppliant into the quiet poſſeſſion therof, who remained there about two houres. And afterwards the ſaid riotous perſons perceiuing the ſaid Sheriffe to be departed from the ſaid capitall meſſuage, immediately after in moſt forcible and riotous manner, entred into the ſaid capitall meſſuage, vpon the poſſeſſion of your ſaid ſuppliant, and him in moſt riotous and forcible wiſe expulſed, and put him in great perill and danger of his life, and the poſſeſſion therof haue euer ſithence, and yet do maintaine and keepe in moſt riotous and forcible manner, to the great incouragement of all ſuch like wilfull, riotous and diſobedient perſons, and againſt your highneſſe lawes and ſtatutes in ſuch caſe made and prouided, for the due correction and puniſhment of ſuch like malefactors and outragious perſons, neither fearing God, nor your highnes Lawes. In tender conſideration whereof, and to the intent the ſaid riotous perſons may receiue condigne puniſhment for theſe their heynous offences, whereby there may grow ſome terror vnto ſuch like diſpoſed contemners and breakers of your highneſſe Lawes within the ſaid Countie, where of late there haue béne many and ſundry heinous offences perpetrated and done, and none or little reformation as yet hath hitherto beene therein had, whereby the Countrey is growen to very much boldnes in contemning your Maieſties Lawes. May it therefore pleaſe your highneſſe of your accuſtomed clemencie and goodneſſe, to grant vnto your ſaid ſuppliant your Graces dread Writs of Subpœna, to bee directed to &c. commaunding them thereby and vnder a certaine paine, and at a certaine day limitted, to appeare in your highneſſe high Court of Starre-chamber, then and there to anſwer to ſuch matter as ſhalbe obiected againſt them. And your ſaid ſuppliant ſhal daily pray vnto God for your highnes proſperous eſtate in royaltie long to reigne.

A Bill of forgerie of Obligations.

To the Queenes moſt excellent Maieſtie.

MOſt humbly complaining, ſheweth vnto your moſt excellent Sect. 3
Ma. your poore and faithfull ſubiect M. B. &c. That wheras in the Parliament holden at W. in the v. yere of your Ma. reigne, there was one good and profitable act made and prouided for the due puniſhment of forgers of falſe deeds and writings. In which amongſt other things it was enacted and eſtabliſhed by the authoritie of the ſame parliamẽt, that if any perſon or perſons after the ſaid firſt day of June, vpon his or their owne head or imagination, or by falſe conſpiration or fraud, had, or with any other ſhall wittingly, ſubtilly and falſely forge or make, or wittingly, ſubtilly and falſely cauſe or aſſent to be made and forged any falſe Charter, Deede, or Writing, to the intent that any perſon or perſons ſhall or may haue or claime any eſtate or intereſt, for terme of yeares, of, in, or to any mannors, landes, tenements, or hereditaments, not being Copiehold, or any annuitie in fee ſimple, fee taile for terme of life, liues or yeares, or after the ſaid day ſhall as is aforeſaid forge, make, or cauſe or aſſent to be made or forged, any obligatiõ or Bill obligatory, or any Acquittance, Releaſe, or other Diſcharge of any debt, account, action, ſuite, demaund, or other thing perſonall. Or if any perſon or perſons after the ſaid firſt day of June, ſhal pronounce publiſh, or giue in Euidence any ſuch falſe or forged Charter, Deede, Writing, Obligation, Bill obligatory, Acquittance, Releaſe, or Diſcharge as true, knowing the ſame to be falſe and forged, and ſhall bee thereof conuicted by any the wayes or meanes aforeſaid, That then he ſhall pay vnto the partie grieues his double coſtes and damages, to bee found and aſſeſſed in ſuch Court where ſuch ſaid conuiction ſhall be had, And ſhal be alſo ſet vpon the Pillory in ſome open market towne, or other open place. And there to haue one of his eares cut off, and alſo ſhall haue and ſuffer impriſonment by the ſpace of one whole yeare without baile or mainepriſe. But ſo it is, moſt excellent Soueraigne Lady, that the day of laſt paſt, your ſaid ſubiect, at the great inſtance and deſire of one A. D. became bound as Suretie with one W. F. for the debt of the ſaid W. R. vnto one W. S. of &c. by two ſeuerall Obligations, the one of the ſumme of two and thirtie pound, with condition for the true paiment of ſixtéene pound at a certain day now paſſed, and thother of twenty foure pound for the true deliuerie of twelue quarters of Wheate, at a certaine day

now

now liuewist past. And thereupon for discharge of your pore subiect the said W.R. and A.D. did become bound vnto your said subiect in two other Obligations, the one of the summe of forty pounds, with condition for the saning harmeles of your pore subiect of the said Obligation of two and thirtie pounds, against the said W.S. and the other of the summe of fire and twentie pound thirtene shillings & foure pence, also to discharge and saue harmelesse your said subiect against the said W.S. for and concerning the other Obligation of foure and twentie pounds. And after your pore subiect perceauing the day of the deliuerie of the said twelue quarters of Wheat to the said W.S. to approche and draw neere, much fearing the forfeiture of the said Obligation, knowing right well that the said R. had no Wheate to deliuer to the said W.S. your said subiect, then also being sick, & verie careful both for himselfe and also for the said A.D. & not able to trauell therein, nor seeing any order taken by the said W.R. for the payment or deliuerie of the said twelue quarters of Wheate, to the said W.S. against the day of payment, your said subiect minding himselfe by his friend to make prouision for the same, did send for the said A.D. declaring vnto him the estate of the cause, and wished him to trauell and make prouision for the said twelue quarters of Wheate, to saue the said bond, who seemed also to be carefull therof, howbeit in that sodain he was not in hast to make present prouision thereof, so as your pore subiect being inforced to proue his friend, declared vnto the said A.D. that there was sufficient Wheate in the store of the said Colledge, and hoped to receiue so much of them by way of loane, as should bee paid to the said W.S. and desired the said A.D. to goe to one Master L. and to desire him in the name of your said subiect to lend him twelue quarters of Wheate of the store of the Colledge to pay vnto the said W.S. and he should be repaid againe, vnto the end that the trueth of the estate of that cause, and of the assurance of your subiects saning harmelesse might plainely appere to the said Master L. your pore subiect vpon speciall confidence deliuered to the said A.D. those two Obligations, wherein W.R. and A.D. did stand bound to your said subiect for his indempnitie as aforesaid, willing him to carie and shew these Obligations to the said Master L. as aforesaid, and immediatly to bring them againe to your said subiect, the which the said A.D. did verie gladly accept, and faithfully promised so to doe. But so it is if it may please your most excellent Maiestie, that the said A.D. hauing thus gotten into his hands the said Obligations, wherein he and the said W.R. stood bound vnto your subiect as aforesaid, contrarie to his promise and the trust and confidence by your pore subiect in him

reposed,

repoſed, ſeeking the vtter vndoing of your ſaid ſubiect, reſpected nothing the paiment nor the deliuery of the twelue quarters of wheate, according to the condition of the ſaid obligation, went not to the ſaide W.R. to borrow the ſaid wheat, but of a very wicked minde returned home to his owne houſe, where without all care or conſcience hee did cancel both the ſaid obligations, and did then and there moſt falſly and deceitfully counterfeit and make two other writings obligatorye in the name of the ſaid W.R. onely leauing out his owne name to your ſaid ſubiect in the like ſummes, and with the ſame like conditions, and did alſo moſt deceitfully ſet to euery of the ſaid new writings obligatorie two ſeales, and in euery thing made them ſo like to the other as he could deuiſe, thereby the ſooner to abuſe your ſaid ſubiect. And hauing thus forged and counterfeited theſe two writings, he returned to your poore ſubiect lying ſicke in his bed, affirming very vntruely, that hee could not obtain the ſaid 12. quarters of wheat of the ſaid W.L. & then deliuered to your ſaide poore ſubiect the ſaid two forged obligations, which he receiued in his weakeneſſe and ſickeneſſe, and being alſo vnlearned, was not able to diſcerne the falſhood by meanes of vnhoneſt dealings, and forgery of the ſaid A.D. your poore ſubiect being then in extremitie of ſickneſs, and abuſed as aforeſaid, and hauing none other reliefe to performe the condition of the ſaid obligation, for the payment and deliuerie of the ſaid Wheate, the Obligation wherein your ſaid ſubiect was iointly bound with the ſaid W.R. to W.S. was forfeited, ſince which time the ſaid W.S. hath commenced ſuite againſt your poore ſubiect vpon the ſaid ſeuerall obligations, within the citie of London and hath recouered againſt him the whole penaltie of the ſaid Obligations, and hath the bodie of your poore ſubiect in execution, to the great loſſes and vtter vndoing of your poore ſubiect his wife and family for euer. In tender conſideration whereof, and for that your poore ſubiect is without all remedie by the courſe of the Common Lawes of this realme againſt the ſaid W.R. and A.D. for his due diſcharge in this behalfe. And for that alſo the ſaide vnhoneſt and wicked facte and treacherie of the ſaid A.D. in abuſing your poore ſubiect, putting his whole truſt and confidence in him, as is aforeſaid, not onely in cancelling of his iuſt and lawfull bonds and Obligations, to the forfeiture of his bonds, as it may ſeeme to be done by him of wilful purpoſe to vndoe your poore ſubiect. And for that the ſaid falſe and deceitfull forgery of the ſaid two new counterfeited writings obligatorie in the name of the ſaid W.R. and to the vtter deceiuing and defrauding of your poore ſubiect, doth not only tend to the vndoing & impriſonment of your poore ſubiect, but to the great incouraging of others like leud & euill diſpoſed perſons, to attempt the like forgerie, and other ſuch notorious

torious facts, to the great preiudice of diuers your louing subiects. It may therefore pleale your most excellent Maiestie of your abundant grace and clemencie to grant your Highnelle most gratious Writ of Subpœna, to be directed to the said A.D. commanding them by vertue thereof, at a certaine day and vnder a certaine paine therein to be limmited and appointed personally to appære before the Lords of your Honorable Councell in your Maiesties high Court of Starre-Chamber at Westminster, then and there to make answer to the premisses, and to stand and abide such further order and direction therein, as by the Lords of your Maiesties said Councell shall be thought meete and conuenient. And your said subiect shall daily pray to God for the prosperous estate of your Maiesties raigne.

A Bill where the partie by forcible entry is put out of possession, beaten, and his Corne caried away riotously.

To the Queenes most excellent Maiestie.

Sect. 4

IN most humble and pitifull wise complaining, sheweth vnto your Highnelle, your faithfull and obedient subiect T.B. That whereas your said subiect was and yet is lawfully possessed for certaine yeares yet enduring of and in one messuage and tenement with the appurtenances, scituate, lying, and being in &c. in your Maiesties County of &c. by force of the demise and grant of one T. H. &c. So it is most gratious Soueraigne Lady, that one W. W. of &c. P. W. T. W. &c. being verie light, lewde, desperat, wicked, riotous, and euill disposed persons, with diuers other persons of like disposition, whose names to your said suppliant are yet vnknown, by the abbetment, aide, and procurement of one A.S. Esquire, one of your Maiesties Justices of P. in your said Countie of P. and one R.H. who seeking and practising daily rather how to trouble, vexe and disquiet your Highnes said subiect then the preseruation of your Maiesties peace or obseruation of your Graces Lawes and Statutes of your Realme, the day of in the yeare of your Highnelle most prosperous reigne, as also diuers and seuerall other daies and times sithence, contrarie to your Maiesties said Lawes and Statutes, in such case made and prouided, not hauing the feare of God before their eies, neither any thing waying or regarding the penalties that might thereupon ensue with force and armes, that is to say, with swords, bucklers, daggers, piked staues, pitchforkes launces, and other weapons, as well inuasiue as defensiue, in furious, forcible, riotous, and vnlawfull maner, by the wicked counsell, aide, and procurement of the said A.S. and R.H. vnlawfully and contrary

to

to your Highneſſe ſaid Peace, did not onely make one great and grieuouſe aſſault and affray vpon your ſaid ſubiect and his ſeruants, being then in Gods peace and your Maieſties, and them moſt cruelly and diſpitefully did beate, hurt, and wound, and ſo left them in great perill of death: but alſo moſt violently and forcibly enter into the ſaid meſſuages and tenements, with the appurtenances, and with ſtrong hand, great force, might, and power, then and there did take, conuey, and carrie away the Corne and Hay (that is to ſay) fiue cart loads of Wheate, eight cart loades of Barley, twelue cart loades of Peaſe, fiue cart loades of Oates, and two cart loades of Hay, then and there being vpon the ground, belonging vnto the ſaid meſſuages and tenements: and alſo with like force and violence, did diſpoſſeſſe and expulſe your ſaid ſubiect from the ſame, to the great loſſe, hinderance, damage, and vtter vndoing of your ſaid ſubiect. By reaſon of which ſaid riotouſe and vnlawfull practiſes and attempts, great tumults did ariſe in ſuch ſort that ſodenly great vproare had almoſt like to haue ryſen and beene ſtirred in your Highneſſe ſaid Countie, by the ſaid riotouſe and euill diſpoſed perſons, beeing counſelled, abbetted, and ayded in the ſame their vnlawfull practiſes and doings by the ſaid A. S. and R. H. had not your ſaid ſubiect yeelded and giuen place to the ſaid riotouſe perſons as of force he was conſtreyned to doe, being with his ſeruants ſo vnpitifully handled and violently tormented, and put in great feare and perill of their liues, which fact by the ſaid riotous and euill diſpoſed perſons ſo committed, as the ſame is vpon verie euill intent and purpoſe done by them, expreſſly againſt your Maieſties Lawes, and Statutes of your Realme, and againſt the common quiet of the ſame: So is the ſame an open and manifeſt euill example to all other lewd and euill diſpoſed perſons, to perpetrate and commit the like vnlawfull attempts, if condigne puniſhment and ſharpe correction be not to the ſame riotous perſons and their ſaid counſellors and abbettors, miniſtred and extended in this behalfe. In tender conſideration whereof, may it pleaſe your Highneſſe to grant your moſt gracious Writ of Subpœna to bee directed to the ſaide A. S. R. H. W. T. P. T. &c. commaunding them and euerie of them thereby at a certaine day and vnder a certaine paine therein to bee limitted perſonally to appeare before the Lords of your Highneſſe moſt Honourable Priuie Councell in the Starre-Chamber at Weſtminſter, and then and their to anſwere to the premiſſes: And further to ſtand to and abide ſuch order, rule, and direction herein, as by them ſhall bee thought meete,

and

and conuenient. And your said subiect shall daily pray to GOD for the preseruation of your Highnesse estate long ouer vs most victoriously to raigne.

An Information against a Vicar for Periurie, and forswearing himselfe.

To the Queenes most excellent Maiestie.

Sect. 5. HUmbly complayning, informeth your Maiestie, your faithfull, true, and obedient subiect G. R. &c. That whereas the nineteenth day of I. last past your Graces Letters of Commission was directed out of the Court of the Exchequer at Westminster, vnto R. W. H. S. &c. and others, to enquire of such Church goods as did appertaine vnto your Maiestie, and were concealed and withdrawne and otherwise imployed. And the said Commissioners sitting by vertue of the said Commission at Westminster for the due execution of the same. One R. S. Clerke, Vicar of A. came before them the said Commissioners, to be examined touching the Articles of the said Commission, who taking his Oathe vpon the holy Euangelist truely to answer to such Articles as he should be examined vpon, according to the tenour of the said Commission, was examined vpon his said Oathe, whether he had in his possession or custodie, any goods, belonging or which did belong to the Church, did answer negatiuely, that he had not, nor neuer had in his custodie or hands, any goods belonging to the Church, where in verie trueth the said R. S. had then in his custodie, diuers parcells of Church goods, and namely one Cannopie, one peece of a Cannopie, a Pixe &c. and diuers other like things, which he did then certainely knowe of. And so the said R. S. verie wittingly, corruptly, and wilfully did Periure and forswere himselfe of purpose to keepe such Idolatrous vessells and instruments in his owne hands, and thereby to doe iniurie vnto your Maiestie, contrarie to his duetie towards Almightie GOD and to your Maiestie, and contrarie to the Lawes and Statutes of this Realme. In consideration whereof, May it please your Maiestie to graunt your Graces Processe of Subpena &c.

A Bill exhibited by the Queenes high Almoner, for detaining of such goods as were forfeited to her Maiestie.

To the Queenes most excellent Maiestie.

IN most humble wise sheweth and complaineth vnto your highnesse, your faithfull and obedient Subiect C. Bishoppe of Rochester, high Almoner vnto your Maiestie, That where one T. P. of C. in the Countie of Kent, the day of in the yeare of your most gracious reigne, at C. aforesaid feloniously as a felon, of himselfe, did drowne and destroy himselfe, as by an Inquisition then and there taken before I B Gentleman, one of the Corroners of the same Countie, vpon the sight of the bodie of the same T. P. by the oathes of twelue men according to your highnesse Lawes of this Realme more at large it doeth and may appeare, by reason whereof all such goods, cattells, and debts, as the same T. P. or any person or persons had and was possessed of the day of his said death, doe of right belong and appertaine vnto your said Maiestie, and so to the distribution of mee your said Almoner, in augmentation of your most gracious Almes, by force and authoritie of your most gracious Letters Patents vnto me in that behalfe, granted and made, as by the same Letters Patents more at large it doeth and may appeare. And where one H. I. of C. aforesaid, was indebted, and did owe vnto the said T. P. the day of his saide death, the summe of tenne pounds of lawfull current money of England, to be payde vnto the same T. P. his Executors or Assignes at a certaine day now expired. And although the said Bishoppe Almoner by R. G. of D. in your said Countie yeoman, hath diuers and sundry times required, and instantly desired the saide H. I. to content and pay vnto him to the vse aboue saide the saide debt of tenne pounds, yet that to doe the said H. I. at all times hitherto hath refused and denied, and yet doeth, not onely in contempt of your most gracious Letters Patents vnto mee your saide Almoner, in manner and forme aboue saide graunted and made, but also to the great let and hinderance of your most gracious Almes, which should haue beene ministred by your saide Almoner vnto your poore Sect. 6

and impotent ſubiects, And to the perillous and euill example of ſuch like offendors, if condigne puniſhment and ſpeedie remedie by your Maieſtie bee not ſhortly had and prouided in this behalfe. In conſideration whereof, may it pleaſe your moſt excellent Maieſtie, to graunt your moſt gracious Writ of Subpœna, to bee directed vnto the ſaide H. I. commaunding him by the ſame perſonally to appeare before your highneſſe and the Lordes of your moſt honourable Councell in the Starre Chamber at Weſtminſter at a certaine day, and vnder a certaine paine therein to bee limitted, then and there to anſwere to the premiſſes. And your ſaide Almoner ſhall pray vnto Almightie God for the proſperous eſtate of your Maieſtie according to his moſt bounden duetie in moſt high honour and felicitie long to reigne ouer vs.

The Anſwere of a Defendant pleading not guiltie, being charged with Reſcous and Conſpiracie, and other miſdemeanors in the Plaintiffs Bill mentioned.

The Anſwere of Iohn Probart Gentleman, one of the Defendants, to the Bill of Complaint of William Haye Complainant.

Sect. 7 The ſaid Defendant ſauing and reſeruing to himſelfe now and at all times hereafter all aduantages and benefite of exception to the incertainetie, inſufficiencie, and other imperfections of the ſaide Bill of Complaint, ſaieth, That Dauid ap Hugh William one of the Defendaunts, was arreſted in the Towne of Kington in the Countie of Hereford, at the Complainantes ſuits, And was brought by the Bailiffes that arreſted him to the houſe of Richard Baker in the Bill mentioned, where Charles Bothe then Deputie to the Vnder Sheriffe of the Countie of Hereford was, And the Defendant Dauid ap Hugh William, being brought to the ſaid Charles Bothe one of the Defendants, And he this Defendant being giuen to vnderſtand, that the ſaid Dauid ap Hugh William was arreſted, hee this Defendant came to the ſaide Charles Bothe being Deputie to the ſaide Vnder Sheriffe of the Countie of Hereford to bee baile for the appearance of the ſaid Dauid ap Hugh

Wil-

William, being his neere neighbour, and of his Ancient acquaintance, And alſo Thomas Bridges, and Denocureur Pember, Gentleman, offered to be his baile, with many other of great ſufficiencie, whome the ſaide Charles Boothe Deputie vnto the foreſaide Vnder Sheriffe would haue accepted of, but the Complainant and the Bailiffes which arreſted the ſaide David ap Hugh William, one of them being his Brother, and the other his Vncle, not onely refuſed to ſuffer the Sheriffes Deputie Charles Boothe to baile him, but the ſaide Complainant and others his adherents greatly abuſed this Defendaunt and his wife, and raiſed a great tumult in the houſe of the foreſaid Richard Baker, and drew their weapons and aſſaulted diuers perſons without any iuſt cauſe of prouocation. In which tumult the Complainant was wounded, and ſo were others by the Complainant and his company: but the ſaid David ap Hugh William neuer ſtirred nor offered to depart, neither did any body offer to reſcue him, but the ſaid David ap Hugh William did render himſelfe to the Deputie of the ſaide Vnder Sheriffe, and put in baile for his appearance. And at the day of appearance, a Cepi corpus being returned by the Vnder Sheriffe, the ſaid David ap Hugh William appeared to the ſaide Action by his Attorney, ſo as the Plaintiffe might well proceede in the ſaide ſuite, and as to the ſaid reſcue, And the ſaid Conſpiracie, and all other the reſidue of the offences and miſdemeanors complained of by the ſaide Bill, and examinable in this honorable Court, this Defendant ſaith, that he is not guiltie of them, or any of them, in manner and forme as by the ſaid Bill is ſuppoſed. All which matters this Defendant is readie to averre and proue, as this honorable Court ſhall award, And humbly prayeth to be diſmiſſed with his coſtes and charges by reaſon of this ſuite moſt wrongfully ſuſtained.

The Demurrer and Anſwere wherein the Defendant alleageth that the Plaintiffe pretendeth to put the Defendant in ieopardy of his life, for beating and wounding the complainant according to the Bill exhibited.

THe ſaid defendant, all aduantages of exception to the vncer- Sect. 8
taintie, and inſufficiency of the ſaid bill of complaint being to

him now and at all times saued, for Plea to so much of the said Bill of Complaint as any waye concerneth the beating and wounding of the sayd Complainant or anie matter depending thereupon, saith that the sayd Complainant sithence the time of the committing of the sayd supposed misdemeanors, pretending that he the sayd Complaynant by reason of the hurt supposed by the sayd Bill to be done vnto him by this Defendant and others was in danger of death, caused this Defendant to be bound ouer by Recognisance to appeare at the great Sessions in the Countie of Radnor where this Defendant dwelleth holden in Summer last past, where this Defendant appeared and vpon his apparance the Complainant pretending that hee was still in daunger of death by reason of the sayd woundes, caused this Defendant to bee againe bound ouer to appeare at the next great Sessions of the sayd Countie hereafter no bee holden, to the ende that if the sayd Complaynant should dye of the sayd woundes, this Defendant might bee forth coming to answere according to Law for the sayd Complainants death. And therefore sithence the sayd Bill of Complaint tendeth to examine this Defendant vpon his Oathe, touching a matter which by the Complaynants pretence may concerne and call in question and put in iopardie the life of this Defendant. This defendant doth demaund iudgement whether he shall be compelled to answere that part of the Bill. And as to the residue of the matters complayned of by the sayd Bill, and examinable in this Honourable Court, This Defendant saith, hee is not of them or any of them guiltie, in manner and forme as by the sayd Bill of Complaint is supposed. All which matters this Defendant is readie to averre and prooue, as this Honourable Court shall award, and prayeth to be dismissed forth of the same, with his reasonable costs and charges in this behalfe most wrongfully sustayned.

The

The forme of a Replication to a generall

THe said Replyant, for replye and saye in all and every matter and thing, as before in his said Will of Complaint he hath said, And that hee doth and will avere, maintaine, iustifie, and prove his said Will of Complaint, and all and every the matters and things therein contayned, to be good, iust, and true, certaine, and sufficient in the Law to bee answered vnto, in such sort, manner, and forme, as in and by the said Will of Complaint it is truely set forth and declared, And that the Answers of the said Defendants, and every of them, in all the points thereof materiall against this Replyant, are vntrue, without that, that any other matter or thing in the said Answers of the said Defendants or any of them contained materiall or effectuall in the Law for this Replyant to reply vnto, and herein not sufficiently replyed vnto, confessed, and avoided, denyed, or otherwise traversed, are true, All and every which said matter and matters, thing and things, this Replyant is readie to averre and prove, as this Honourable Court shall award, And humbly prays as before in the said Will of Complaint hee hath prayed. Sect. 9

And Replication, maintaining that the Defendants have committed Maintenance, Periurie, Subornation of Periurie, or Champertie, and are guiltie thereof, as in the Bill of Complaint is specified.

THe said Complaynant sayth, That his said Will of Complaint exhibited against the said Defendants in this Honourable Court, is very iust, true, and sufficient in the Law to be answered vnto by the said Defendants, and doth and will avere, maintaine, and prove all and every matter and thing therein contained, to be iust and true, in such sort, manner, and forme, as the same is therein set forth specified, and declared, and that the said Answer is vntrue and insufficient in the Law Sect. 10.

to be replyed vnto, for diuers manifest false and apparant imperfections therein contained. And further, this Complaynant doth and will auerre and proue to this Honourable Court, that the said John Lambert, in the said Bill mentioned, was possessed of a lawfull Terme and Estate for threescore yeares to come from and after the decease of the said Agnes Abbot, in the said Bill of Complaint mentioned, of and in the said Tenement and Close of Pasture in Thornbrow, in the said Bill of Complaint specified, by meane conueyance from the President and Fellowes of Magdalen Colledge in Oxford, in such sort, as in the said Bill is specified, And that the said John Lambert being so possessed, did graunt and assigne ouer the said Tenement and Close of Pasture, and all his estate therein, to the said Complaynant, vpon and in which said Tenement and Close, the said Complaynant hath continued and dwelt euer sithence the decease of the said Agnes Abbot, as in the said Bill is also set downe, And that the said Defendant John Chetwe hauing no lawfull right, title, or possession of, in, or to the said premisses, did by vnlawfull Maintenance bring his Action of Trespas against the said Complaynant, and did recouer such great costs and damages against the said Complaynant, as in the said Bill is set forth, And that the said Defendant John Chetwe did by vniust and vnlawfull Maintenance, Oppression, and Misdemeanor, and by the abbetment of the rest of the said Defendants, make a Lease of the said Tenement and Close about October last, in the said Bill mentioned, vnto the said Michael Dryngе, onely to oppresse and ouerthrow the said Complaynant, and to expell and driue him out of the said Tenement and Close, wherein he had dwelled and continued by the space of sixteene yeares before, as in the said Bill is specified, And that the said Defendant Michael Dryngе did by vnlawfull Maintenance and Oppression commence his Action of Ejectione firmæ against the said Complaynant, which did passe with the said Defendant Dryngе against the said Complaynant, as in the said Bill is specified, And that neither the said Chetwe, Dryngе, or Richard Lee had borne and continued in possession of the said Tenement and Close by the space of one yeare next before the said Lease made to the said Dryngе, nor at any other time. And further, this Complaynant will auerre and proue to this Honourable Court, that the said Defendant John Chetwe did at the

said

ſaid Quarter Seſſions at Wickham, in the Bill mentioned, falſely and corruptly depoſe and ſweare to the Jurie, at the ſaid Quarter Seſſions at Wickham, that the ſaid Complaynant did in and vpon the ſaid firſt day of October, in the Bill mentioned, expell and amoue, and with force and violence driue out the ſaid Defendant John Chelwe, being then in the lawfull poſſeſſion of the ſaid Meſſuage and Cloſe, by force of which ſaid falſe Oath oftly, the ſaid Graund Jurie in the Bill mentioned, did finde the ſaid Indictment to be true, whereas the ſaid John Chelwe was not in poſſeſſion of the ſaid premiſſes the ſaid firſt day of October, nor at any time before the ſaid Bill of Indictment preferred, as aforeſaid, wherein the ſaid Defendant John Chelwe hath committed groſſe wilfull and corrupt Periurie and Miſdemeanor, as in the ſaid Bill is ſpecified, And that the ſaid William Knight and Henry Dawnier did by the abbettment, maintenance, and procurement of the ſaid John Chelwe, and the reſt of the ſaid Defendants, at the Triall had in the Court, at Buckingham, by the ſaid John Chelwe againſt the ſaid Complaynant, vpon the ſaid Action of the Caſe in the Bill mentioned, falſely depoſe and ſweare, that the ſaid Complaynant ſhould ſay and affirme in their preſence, that the ſaid John Chelwe was periured at Wickham in ſuch ſort as in the ſaid Bill is alleaged, and that thereby the ſaid Chelwe did fraudfully recouer againſt the ſaid Complaynant the ſumme of fiue Nobles, beſides Coſts of the ſaid Suite, as in the ſaid Bill is alleaged: Without that, that the ſaid William Lee was at any time poſſeſſed of any lawfull Eſtate or Leaſe of the ſaid Tenement and Cloſe by the ſaid Preſident and Scholliers of Magdalen Colledge in Oxford, for the Terme of threeſcore yeares, to commence after the deceaſe of the ſaid Agnes Abbot and Thomas her ſonne, as in the ſaid Anſwer is vntruely ſuggeſted, or that the ſaid Tenement and Cloſe of Pallinwood came to the handes and poſſeſſion of the ſaid Richard Lee, as Adminiſtrator of the goods & chattels, debts and credits of his ſaid father William Lee, as in the ſaid Anſwer is falſely alleaged, or that the ſaid William Lee died poſſeſſed thereof at the time of his deceaſe. And without that, that the ſaid Richard Lee did at any time, after the deceaſe of the ſaid Agnes and Thomas Abbot, enter into the ſaid premiſſes, or had or continued the poſſeſſion thereof, or had any lawfull power to make any ſuch Leaſe for the terme of three yeares to the ſaid Complaynant,

as in the said Answer is alleaged, nor that euer he the said Richard Lee receiued any Rent, Fine, or other Consideration to the same of the said Complaynant, or of any other person. And that this Complaynant paid his Rent to the President and Scholliers of Magdalen Colledge aforesaid, or that the said Complaynant did during the said three yeares hold or enioy the said Tenement and Close of Pasture by vertue of any Lease made to him by the said Richard Lee, as in the said Answer is falsely alleaged. And without that, that the said Complaynant, or the said Paul Framlyn his seame did wrongfully keepe the possession of the said premisses otherwise then was lawfull for them to doe, either after the said first Liuall had against the said Complaynant, or at the time of the preferring of the said Indictment at the said Quarter Sessions, in the said Answer mentioned, or that the said actions haue not beene by the said Defendant John Cheine and others vniustly and by vnlawfull maintenance vndertaken and prosecuted, as in the said Bill is specified. All that the said Complaynant did say and affirme, that the said Defendant John Cheine was sworne and procured at Wickham in such manner and forme, as in the said Answer is set downe, and that the said Complainant hath commenced this suit in this Honorable Court, or any other Action against the said Defendants, or any of them, wrongfully, vnlawfully, by the maintenance, abbetment, and procurement of any person or persons, as in the said Answer is falsely alleaged, but as he of himself, hauing receiued great losse, damage, and hinderance did and might lawfully doe. All that the said Defendants John Cheine, Richard Davies, Michael Darrege, Perry Dymmer, and William Knight, or any of them, are not guiltie to all and every the said Maintenances, Periuries, Subornations of Periuries, or Champerties, in the said Bill specified. And without that, that any other matter, cause, allegation, or thing in the said Answer contained material or effectuall in the Law to be replyed vnto by this Complaynant, and not herein fully replyed vnto, confessed, auoyded, trauersed, or denyed is true, all and euery which matters the said Complaynant is ready to auerre and proue, as this Honorable Court shall award. And therefore prayeth as in his said Bill he hath prayed.

The

The forme of a Reioinder.

These said defendants say, and euerie of them for themselues severally and respectively saith, that there said answers are certaine and sufficient in the Law to be replyed vnto, and doen and will auer, maintaine, and proue, all and euerie such clause, article, and sentence therein contained, to be good, iust, and true, in such manner and forme, as in their said answer is set forth and declared: And that the said replycation is verie incertaine, vntrue, and insufficient in the Law to be reioyned vnto, for sundrie vntruthes and imperfections comprised within the said Bill and Replycation, as these defendants shall be hereafter able to manifest and declare more at large in this most honourable Court vpon the hearing of the same cause, without that, that these defendants are guiltie of all or any the offences and misdemeanors wherewith they or any of them are and stand charged in and by the said complainants Bill, in any such manner and forme as the same in the said Bill and Replication are most slaunderously and vntruely set forth, suggested, and declared: And without that, that there is any other matter or thing materiall or effectuall in the said Replycation contained, and in this Reioynder not sufficiently answered and replyed vnto, confessed and auoided, trauersed or denyed, is true. All which matters and things these defendants are and will be ready to auer and proue, as this honorable Court shall award. And humbly prayeth as in their said answers they haue prayed. Sect. 11.

A Bill against Rioters.

To the Queenes most excellent Maiestie.

MOst humbly sheweth and complayneth vnto your Highnesse, your daily Orator and faithfull Subiect I. H. and L. H. That whereas your saide Orator being in Gods Peace and your Maiesties, at A. in your Highnesse Countie of H. certaine lewde, riotous, and euill disposed persons, That is to say, I. H. W. R. &c. with diuers other of the like dis- Sect. 12.

disorder to the number of twelue persons as yet to your said Orator vnknowne, being weaponed with Bowes, Billes, Staues, Iauelins, Pikes, Gunnes, and diuers other Warlike weapons, as well inuasiue as defensiue, did by the procureinent, abbetment, and setting on of W. H. and R. H. Esquires, being mortall enemies to your said Orators, and seeking and pretending their vtter spoile and destruction, with much force and great violence, assault, wound, beate, and euill intreate your said Subiects at diuers and sundrie times as hereafter ensueth, That is to say &c.

In consideration whereof and for the aduancement of Iustice, and in repulse of such rebellyous assemblies, and in terror and feare of other such malefactors and riotous persons, May it please your Highnelle, the premisses considered, to graunt &c. And your saide Orators shall according to their bounden dueties pray vnto GOD for the preseruation of your Highnesse long to raigne ouer vs.

The forme of a Bill into the Court of Requests.

TO the most humble wise complayning sheweth vnto your most excellent Maiestie, your humble and obedient subiect W. L. That whereas on C. H. was &c. In tender consideration whereof, may it please your most excellent Maiestie to graunt vnto your Highnesse said subiect, your gratious Letters of Priuie Seale, to be directed vnto C. W. Esquire, and B. Gentleman, commanding them and euerie of them, to be personally to appeare before your Highnesse honorable Councell of your Highnesse Court of Requests, at a certaine day, and vpon a paine therein to be limitted, then and there to answer to the premisses, and further to stand and abide such order and direction therein, as to your Highnesse most honorable Councell shall seeme to stand with Equitie and good Conscience.

The end of a Bill, where he praieth the matter in controuerſie to be put to examination.

IT may pleaſe &c. to direct your honorable Letters to ſome man of worſhip, wiſdome, and credit, to heare and finally determine all the ſaid quarrells, and the ſaid matters now depending betweene your ſaid Oratours and their ſaid aduerſaries, according to Equitie and Juſtice, and if they cannot determine the ſaid controuerſies, then to certifie by whom the ſaid default commeth and your ſaid Oratours are bound to &c.

Words of courſe in an Anſwer to a Bill of Complaint.

THe ſaid defendants ſay and either of them ſaith, That the ſaid Bill of Complaint is verie vncertaine, vntrue, and inſufficient in the Law to be anſwered vnto, and that the matters therein contained are imagined, deuiſed, and ſet forth, of euill will, & malice, to the intent to put the ſaid defendants to wrongfull veration, coſts, charges, and expences in the Law, without any iuſt cauſe or ground of ſuit, albeit the ſaid defendants ſhall be compelled by order in this honorable Court, to make any further anſwer vnto the ſaid vncertain and inſufficient Bill, then the aduantage of exception to the incertaintie & inſufficiencie thereof, vnto the ſaid defendants at all times hereafter ſaued, for anſwer and declaration of the truth, the ſaid defendants ſay, and firſt &c. without that, that any other matter or thing in the ſaid Bill of Complaint contained, materiall or effectuall to be anſwered vnto, and herein not ſufficiently confeſſed and auoided, trauerſed, or denied, is true, all which matters, the ſaid defendants are ready to auer and proue as this honorable Court will award: And prayen to be diſmiſſed out of the ſame Court, with their reaſonable coſts and charges by them wrongfully ſuſtained concerning this ſuit &c.

Words

VVords of course in a *Reioynder.*

The said defendants saying vnto them at all times hereafter the aduantage of exception to the incertainetie and insufficiencie of the said Replycation sayeth, and eyther of them sayeth, That the saide answere is certaine, true and sufficient in the Law to be replyed vnto, and all ſay as they before, in their said answer haue said, and doe and will auer and maintaine all and euerie thing and things therein to be good, iuſt, and true, in ſuch ſort, manner, and forme, as they and eyrecie of them be therein alleaged and expreſſed (That is to say &c.) And without that, that there is any other thing materiall or effectuall to be reioyned vnto, and in this Reioynder not denied or trauerſed is true, all which matters &c.

FINIS.

¶ The Table to the ſecond part of Symboleography, with new additions.

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FINIS.

Ex. E. C. 9
31.1.23

An Indenture quadrupartite to levy a fine or ſuffer a recovery, with limitation of uſes, ſome part of the premiſſes to the uſe of the husband and his heires, (by whom ſome part of the conſideration is paid) the other part of the premiſſes to the uſe of the feoffees and their heires, in truſt for the uſe of the wife, and diſpoſable at her pleaſure; by whom the greateſt part of the conſideration is paid: With ſeverall covenants; that as well the husband as the feoffees ſhall quietly enjoy &c. The wife, having before mariage conditioned with her husband, to have the free diſpoſall of certaine ſummes of money, which ſhe is now content to beſtow upon a purchaſe, ſo as ſhe might in like manner freely diſpoſe thereof, with which her husband is contented.

A declaration by the wife for the diſpoſall thereof.

THis Indenture quadrupartite made &c. Between R. D. Sect. 676. of &c. T. B. of &c. and A. his wife on the ſecond part: A. L. &c. and J. W. of &c. on the third part: and G. M. of &c. R. R. of &c. and R. H. of &c. on the fourth part, Witneſſeth, that the ſaid R. D. for, and in conſideration of the ſumme of two ſhillings of lawfull money of England, to him in hand paid therefore by the ſaid T. B. and the other part reſidue thereof by ſome truſted, by the ſaid A. at and before the enſealing and delivery of theſe preſents, of which ſaid ſeverall ſummes, he the ſaid R. D. acknowledgeth the receit by the hands of the ſaid T. B. and A. and himſelfe thereof fully ſatisfied, and thereof, and of every part and parcell thereof, doth acquite and diſcharge them the ſaid T. B. and A. his wife, their executors and adminiſtrators doth covenant, grant and agree to and with the ſaid G. M. R. R. and R. H. and every of them their and every of their heirs and aſſignes by theſe preſents, that he the ſaid R. D. ſhall and will at the coſt and charges in the Law, of them the ſaid T. B. G. M. R. R. and R. H. before the end of Hilary terme next enſuing the date of theſe preſents, before the Juſtices of his Majeſties Court of Common Pleas at Weſtminſter, knowledge or levy one or more fine or fines, ſur conuſanze de Droit condition ceo, and with proclamations in due form of Law, to be had and made thereupon, according

cording to the common course of fines with proclamations, in such cases used unto the said T. B. and his heirs of, and in all that close &c. more or lesse, and all woods, underwoods, and trees growing in and upon the premisses or any part thereof, and all ways, waies, commons, profits, commodities, emoluments, and hereditaments whatsoever, to the aforesaid premisses, or any part thereof, belonging or in any wise appertaining, or to or with the same usually occupied or enjoyed, or accepted, reputed or taken as part or parcell thereof, or belonging thereunto, and all other the messuages, lands, tenements, and hereditaments, of him the said R. W. in S. &c. by the name and names of &c. with the appurtenances in S. &c. or by any other name or names as by the counsell of the said T. W. shall be reasonably advised, which fine and fines so or in any other manner to be had and levied; and all other fines heretofore levied or hereafter to be levied between the said parties, or any of them, within the time aforesaid, of the premisses or any part thereof, shall be and inure, and shall be adjudged, construed and taken to be and inure to the use and behoof of him the said T. B. and his heirs to the end and purpose and until the severall recoveries shal be had against him, of the several and respective premisses lying in the said severall counties of R. and L. and to the intent, that the said T. B. may be perfect tenant of the freehold of the premisses: so as perfect recoveries may be had and suffered against him, to the uses and intents, and upon the trusts and confidences hereafter expressed. And it is further covenanted, concluded and agreed, by and between all the said parties to these presents, that immediately from and after the said fine or fines so had and levied, it shall and may be lawfull to and for the said A. L. and J. W. &c. And they the said A. L. and J. W. and either of them for so much as concerneth himself, and by him to be performed, doth hereby covenant and grant to and with the said T. B. G. H. R. R. and R. H. or every of them, and their heirs, that the said A. L. and J. W. or the survivor of them shall and will at the like costs and charges of the said T. B. G. H. R. R. and R. H. or any of them, sue out and prosecute, or suffer to be sued out and prosecuted in their names or in the name of the survivor of them out of the high Court of Chancery several writs of Entry sur disseisin in le post, returnable before the Justices of the Court of Common pleas at Westminster (as in such cases is used for the suffering of common recoveries) against the said T. B. by one of which, they the said A. L. and J. W. or the survivor of them shall and may demand against him the said T. B. the aforesaid premisses, in the said county of R. by the names of &c. with the appurtenances in W. &c. or by such other name or names as shall be requisite, and by the other of them shall and may demand against the said T. B. the aforesaid premisses, in the said County of L. by the names of &c. and common of pasture for

all

all manner of cattell with the appurtenances in S. or by ſuch other names as ſhall be requiſite, and after the appearance of the ſaid T. B. they the ſaid R. L. and J. W. or the ſurvivor of them ſhall declare againſt him in the ſame Court, and the ſaid T. B. after ſuch writs brought againſt him, ſhall in perſon or by his Attorney, ſufficiently authorized ſeverally appear thereunto, and make defence, and thereupon preſently vouch and call to warranty the ſaid R. D. And it is hereby alſo further agreed by and between the ſaid parties to theſe preſents: That upon ſuch ſeverall vouchers made, he the ſaid R. D. ſhall and will appear in proper perſon, or by his Attorney or Attornies lawfully and ſufficiently in that behalf authorized, and gratis enter ſeverally into the warranty, And thereupon forthwith ſeverally and reſpectively vouch to warranty the common vouch, to the intent that the common vouchee ſhall appear, plead and imparle, and after imparlance make default, to the end perfect recoveries may be had, and ſeverall and reſpective Judgements given for the demandant or demandants in the ſame writs of Entry ſur diſſeiſin, againſt the ſaid T. B. for recovery of the premiſſes: And likewiſe for the ſaid T. B. to recover in value againſt the ſaid R. D. and for him the ſaid R. D. to recover in value againſt the common vouchee, according to the manner and courſe of common recoveries for aſſurances of lands, in ſuch caſes uſed, and that execution may be thereupon had and executed accordingly: And it is further concluded, declared and agreed by and between the ſaid parties to theſe preſents, that immediately from and after ſuch ſeverall recoveries, or any other ſeverall recoveries, ſo or in any other manner had and executed, of the premiſſes, by and between the ſaid parties, or any of them, as well the ſaid fine and fines as the ſaid recoveries, and all other fines and recoveries, to be had and ſuffered between the ſaid parties, or any of them of the premiſſes, or any part thereof, and the full force, effect and execution of them and every of them ſhall be and inure, and ſhall be deemed, adjudged, conſtrued and taken to be and inure to the uſes, intents, and purpoſes following: And upon the ſpeciall truſt and confidences hereafter, in, and by theſe preſents limited and expreſſed, and to no other uſe, intent, or purpoſe whatſoever (that is to ſay) of and concerning the ſaid cloſe &c. with their and every of their appurtenances in S. aforeſaid in the ſaid County of L. now or late in the ſeverall tenures or occupations of &c. with all lands, &c. and hereditaments, to them and every of them belonging or uſually occupied or injoyed, as part or parcell of or belonging to them or any of them. And the ſaid cloſe &c. with the appurtenances called T. with all waves, waters, commons, profits, commodities and hereditaments whatſoever to the ſaid laſt mentioned cloſes, meſſuages, tenements and cottages, or any of them, or any part or parcell thereof, belonging or in any wiſe ap-

pertaining, or usually occupied or enjoyed, or accepted, reputed, or taken as part or parcell thereof, or belonging thereunto, and all woods, underwoods, and trees growing upon the said last mentioned premisses, to the use and behoof of the said G. M. R. R. and R. H. their heires and assignes for ever. Nevertheless upon speciall trust and confidence that the same shall be to and for the benefit of her the said A. and of such other person or persons, and for such estate and estates, and upon and under such provisoes, powers of revocation, conditions and limitations, and in such sort, manner, and form as she the said A. by any writting or writtings, sealed and signed with her own hand, in the presence of three credible witnesses at the least, shall from time to time grant and appoint, and for lack of such limitation and appointment, then after the decease of the said A. for the benefit of I. B. son and heir apparent of the said T. B. and of the heirs and assignes of the said I. B. for ever, and in no wise for the benefit of the said T. B. unlesse it shall be so, by her the said A. limited and appointed as aforesaid. And upon this further trust and confidence, that they the said G. M. R. R. and R. H. and their heirs shall not onely permit and suffer her the said A. and such as she shall limit the same unto as aforesaid, to receive, perceive, and take, the rents, issues, and profits thereof, but shall also upon reasonable request convey and assure the premisses accordingly, and of, and concerning the closes called &c. with their and every of their appurtenances, and all woods, &c. or any part thereof, and all ways waste, commons, profits, commodities, emoluments and hereditaments whatsoever, to the said last mentioned premisses, or any part thereof, belonging or in any wise appertaining, or to, or with the same usually occupied or enjoyed, or accepted, reputed, or taken as part, parcell or member thereof, or belonging thereunto, and all other the messuages, lands, tenements, and hereditaments aforesaid, whereof no use is to the said G. M. &c. before herein limited and appointed, to the use and behoofe of him the said T. B. his heirs and assigns for ever, absolutely and to no other use, intent or purpose whatsoever. And the said B. D. for him, his heirs, executors, and administrators, doth covenant and grant, to, and with the said T. B. his heirs and assignes, for and concerning so much, and such part of the premisses aforesaid, as are limited hereby to the use of him the said T. B. and his heirs, and also to and with the said G. M. &c. and their heirs, for and concerning so much, and such part of the foresaid premisses as are hereby limited to the use of them and their heirs, in manner and form following, viz. that he the said B. D. is, and untill the estates shall be lawfully executed and setled according to the true intent of these premisses, shall be, remain and continue lawfully and rightfully seised, of and in the aforesaid premisses, and every part and parcell thereof, of a good, sure and indefeasable estate in

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fee ſimple or fee taile, without any condition, power of revocation, proviſo, limitation of uſe or uſes or other matter or thing whatſoever to determine, alter, or make void the ſame eſtate, and without any reverſion or remainder in the Kings Majeſty, and that he hath good right and lawfull power to convey the ſaid premiſſes, in ſuch manner and forme, as in and by theſe preſents are limited and mentioned to be done, and that all and ſingular the aforeſaid premiſſes, and every part thereof are, and ſo for ever hereafter ſhall be, remaine, & continue, free & cleere, or upon reaſonable requeſt ſhall from time to time well and ſufficiently be ſaved and kept harmeleſſe by the ſaid R. D. his heires, executors, or adminiſtrators, of and from all former and other bargaines, ſales, gifts, grants, joyntures, dowers, judgements, ſtatutes, recogniſances, intruſions, debts to the Kings Ma. his heirs or ſucceſſors, leaſes, eſtates, charges, & incumbrances whatſoever, had, made, committed or done, or to be had, &c. by him the ſaid R. D. or J. D. his brother, or by his late Father E. D. deceaſed, or by his late Grandfather E. D. deceaſed, or any, or either of them, or by any, or either of their heires, or by any other perſon or perſons lawfully claiming, or to claime, from, by, or under them, any or either of them, or by or under their, any or either of their right, title, meanes, procurement, or conſent: And further, that it ſhall and may be lawfull, to, & for the ſaid L. B. G. M. &c. their heires, and aſſignes reſpectively, according to their ſeverall eſtates, herein before limited unto them, by the true intent of theſe preſents, quietly & peaceably to have, hold, & injoy the aforeſaid premiſſes, & every part and parcel thereof, according to the intent and true meaning of theſe preſents, without any let, trouble, deniall, or interruption, for, or by him the ſaid R. D. or of his heires or aſſignes, or the ſaid J. D. his brother, his heires or aſſignes, or of, or by any other perſon or perſons lawfully claiming or to claime from or under him the ſaid R. D. or from or under him the ſaid J. D. his brother, or by the ſaid E. D. his late father, or E. D. his late grandfather, or by their or any of their meanes or procurement: And further, that he the ſaid R. D. his heires and aſſignes, and his foreſaid brother J. D. his heires, and aſſignes, and all other perſon and perſons which may have or hereafter ſhall or may have, or lawfully claime any lawfull eſtate, right, title, intereſt or demand of, in, out of, or to the premiſſes or any part thereof, by, from, or under him the ſaid R. D. or his aforeſaid brother, father, or &c. ſhal & will at all times during the ſpace of ſeaven yeares next enſuing the date thereof, upon reaſonable requeſt and at the coſts and charges in the law, of the ſaid L. B. his heirs or aſſignes for and concerning ſo much and ſuch part of the aforeſaid premiſſes, as are before herein mentioned and expreſſed, to be to the uſe of him the ſaid L. B. and his heires; and upon the like reaſonable requeſt, coſts &c. of the ſaid G. M. &c. or any of them,

their or either of their heires or assignes, for and concerning such other part of the foresaid premisses as are before herein limited, to the use of them and their heires, do make, knowledge, and execute, and cause to be done, &c. all such further acts, devises and assurances in the law whatsoever, for the better and surer conveying and assuring of the premisses, and every or any part thereof, according to the intent and true meaning of these presents, as by them the said T.B. G.M. &c. respectively, their or any of their heires or assignes, or by their or any of their counsell learned in the law, shall be reasonably advised and required, so as no such further assurance containe further Warrantie, than according to the true intent and meaning of these presents: and so as the said R. D. or his heires, or the said J.D. or his heires be not compelled for making, or perfecting of any such further assurance to travell from the place of his or their dwelling or usuall abode, unlesse it be to the Cities of L. and W. And the said R.D. for him, his heires, executors, and administrators, doth further covenant, promise, and grant to and with the said T.B his heires and assignes, for and concerning so much and such part of the foresaid premisses, as are limited to the use of him and his heires absolutely: And to and with the said G.M. &c. and their heires, for and concerning so much and such part of the foresaid premisses, as are limited to the use of them and their heirs: That he the said R. D. his heires, executors and administrators, shall and will from time to time upon reasonable request in that behalfe to be made, deliver, or cause to be delivered to him the said T.B. and to them the said G.M. &c. respectively, true and perfect copies of all such deeds, evidences, escripts, muniments, and writings concerning the premisses or any part thereof, as he the said R. D. his heires, executors, or administrators, or any other to his or their use or by his or their delivery, hath, or have, or hereafter shall have the same to be copied out, at the costs and charges of them the said T.B. G.M. &c. their heires or assignes: or some or one of them respectively. In witnesse whereof &c.

A declaration by the Wife for the disposall thereof.

Sect. 677. TO all Christian people, to whom these presents shall come, I A. wife of T. B. of S. &c. send greeting in our Lord God everlasting. Whereas R.D. of G. &c. by good and sufficient conveiãce in the law, hath lawfully conveyed and assured to the use of G.M. &c. of &c. their heires and assignes, all that &c. as in and by an Indenture quadripartite bearing date the &c. made betweene him the said R.D. on the first part, the said T. B. and me the said A. on the second part, A.L. of &c. and J.W. of &c. on the third part, and them the said G.M. &c. on the fourth part, amongst other things at large appeareth: in which Indenture immediately after the limita-

limitation of the before mentioned premisses, to the use of them the said G. N. &c. and their heires, there is added a clause in these words, or to this effect: Nevertheless upon speciall trust and confidence &c. as by the said Indenture more plainly also may appeare: Now know ye that I the said A. by this my present writing, sealed and signed with mine owne hand in the presence of three credible witnesses, whose names are hereupon indorsed, doe limit & appoint the forementioned premisses, and every part and parcell thereof, to be immediately after my decease, to and for the benefit of J. B. and his heires for ever, unlesse I shall hereafter by any other writing, sealed and signed with mine owne hand, in the presence of three credible witnesses at the least, otherwise limit or appoint the same or any part thereof. Provided alwayes, that in case I shall at any time or times by any writing or writings, sealed and signed with my owne hand, in the presence of three credible witnesses at the least, declare my mind to be to revoke, frustrate, or make void the foresaid limitation and appointment so made, to, and for the benefit of him the said J. B. and his heires as aforesaid, of, for, or concerning the foresaid premisses, or any part thereof, That then and immediately after such declaration of my mind so made, this present limitation for and touching the premisses, or such part thereof as I shall so declare my mind to revoke or make void, shall be revoked, frustrate and void, as though these presents had not beene, and then, and in such case it shall be lawfull for me either by the same writing of revocation, or at any time or times hereafter, by any other writing or writings, sealed and signed with my owne hand in the presence of three credible witnesses at the least, to limit and appoint the aforesaid premisses, or such part or parts thereof, concerning which I shall make my revocation or any part thereof, to such person or persons, and for such estate and estates, and under such provisoes, conditions, powers of revocation, and in such sort, manner and forme as by me shall be thought fit. In witnesse whereof I have signed and sealed this my present writing with my owne hand, in the presence of three credible witnesses, whose names are indorsed on the backe of these presents this day of &c. in the yeare &c.

A Commission to appoint a Surveyor, to survey Lands in severall Countries, with covenants and conditions, and Letters of Atturney, as hereafter ensueth.

TO all Christian people, to whom this present writing shall come, to be seene, read, or heard, J. H. of H. in the County &c. knight sendeth greeting in our Lord God everlasting. Know ye that I the said Sir J. H. Sect. 678.

for divers and sundry good causes and considerations, me hereunto especially moving, have deputed, authorized and appointed, and by these presents doe depute, authorize and appoint G. A. Esquire my true and lawfull Surveyor of all and singular my Lordships, Manors, Messuages, Lands, Tenements, and Hereditaments, with all and singular their appurtenances whatsoever they be, set and being in the Counties of D. and B. whereof at this present I stand seised of an estate of fee simple, fee taile, or for terme of my owne life, or for the terme of the life of another, in possession or reversion. And further by these presents, doe give unto my said Surveyor full power and lawfull authority, for me and in my name, to give, grant, demise, set and let, all and singular the premisses, or such part or parcell thereof, as to my said Surveyor shall seeme meet and convenient, to any person or persons for their life, or for three lives at the furthest, or for the terme of twenty yeares, by copy of Court Rolls, or by Indenture according as they have been usually let or set, with such covenants, clauses, conditions, and agreements in possession, or reversion, as to my said Surveyor shall seeme convenient as aforesaid, whereupon the old and accustomed rents shall be reserved to me the said Sir I. H. my heirs, and assignes for ever. And doe further authorize my said Surveyor by these presents, for me and in my stead, and in my name to seale all leases for life, lives, or yeares to be made as aforesaid, by Indenture, Copy of Court Roll or otherwise, to any person or persons so taking the same, or any part or parcell thereof, ratifying, confirming, and allowing, all & whatsoever my said Deputy or Surveyor shall do in the premisses. In witnesse whereof &c.

An Indenture tripartite betweene Executors, for the faithfull execution of a Will, with divers covenants.

Sect. 679. THis Indenture tripartite, made the &c. Betweene Sir P. Fisher of &c. of the first part, Ralph Forrest of S. in &c. Esquire of the second part, and R. B. of &c. Esquire on the third part. Whereas Katherine Melvin late of E. in the County of Kent Widow, late wife of one F. M. Esquire deceased, did by her last Will and Testament, bearing date the two and twentieth day of December in the yeare of our Lord God 1598. make and ordaine the said Sir P. Fisher, R. F. and R. B. her executors, of her said last Will and Testament, and did thereby commit unto them great confidence and trust, for the disposing of her goods and chattels, and of some profits of lands, and for the full, due, and faithfull execution of the said last Will and Testament of the said K. M. as by the said Will and last Testament more at large appeareth. Now this present Indenture witnesseth, that for the better and more surer performance of the trust and confidence in the said parties to these presents reposed, and for full and

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perfect manifeſtation of their carefull intention.e and great reſpect they have of the juſt and true execution thereof, that it is covenanted, granted, concluded, condeſcended, and fully agreed, by and betweene the ſaid parties to theſe preſents, and every of them doth covenant, conclude and agree, to and with the other, in manner and forme following', That whereas the ſaid Sir P. Fiſher hath and poſſeſſeth an equall and juſt third part of all the Goods, Chattells, Plate, Jewells, and ſummes of Money, which have in any wiſe as yet come to the hands or poſſeſſion of the ſaid Sir P. Fiſher, R.F. and R.B. and every or any of them, as executors of the laſt Will and Teſtament of the ſaid L. P. or a full third part of the true and juſt value of them, being accompted and divided into three ſeverall parts, And the ſaid R. F. one other equall and juſt third part of the ſaid Goods, Chattels, Plate, Jewels, and ſummes of Money, or a full third part of the true and full value thereof, And the ſaid R. B. one other equall and juſt third part of the ſaid Goods, Chattells, Plate, Jewels, and ſummes of Money, or a full third part of a true and juſt value thereof, as by three ſeverall bookes of particulars, one of which remaineth in the poſſeſſion of the ſaid Sir P. Fiſher, one other in the poſſeſſion of the ſaid R. F. and one other in the poſſeſſion of the ſaid R. B. and being ſubſcribed with every one of their ſaid names doth and may appeare: Now the ſaid Sir P. Fiſher, for himſelfe, his heires, executors, and adminiſtrators, doth covenant and grant, to and with the ſaid Ralph F. and R.B. and either of them, their and either of their executors and adminiſtrators, and every of them by theſe preſents, that the ſaid R. F. and R.B. their and either of their executors and aſſignes, ſhall and may have, retaine keepe, or diſpoſe their ſaid ſeverall third parts of the ſaid Goods, Chattells, and ſummes of Money towards the performance of the ſaid laſt Will & Teſtament, & the covenāts in theſe preſents contained, if in caſe the ſaid Sir P. Fiſher ſhall ſurvive the ſaid Ralph F. and R.B. or either of them: And farther alſo, that if at any time or times hereafter, any more Goods, Chattels, Jewels, Plate, ſumme or ſummes of Money, ſhall come unto the hands or poſſeſſion of the ſaid Sir P. Fiſher, his executors, adminiſtrators, or aſſignes, for or by reaſon of the executorſhip of the laſt Will and Teſtament of the ſaid Katherine Pelvin: That then he the ſaid Sir P. Fiſher, his executors and aſſignes, ſhal and will within three months nert after reaſonable requeſt to him or them to be made, pay and deliver one juſt and equall third part, or the true value thereof, unto the ſaid R. F. his executors or aſſignes, and one other juſt and equall third part, or the true value thereof, unto the ſaid R.B. his executors or aſſignes: And alſo that he the ſaid Sir Philip Fiſher, his executors, adminiſtrators,

or

or assignes, shall and will, well and truly satisfie and pay, or cause to be satisfied one full third part of all and every Legacy and Legacies, bequest and bequests, and of all debts and other matters and things arising, growing due, payable or answerable, or to be due or payable, for, or by reason of the said last Will and Testament, or for the execution of the same, or thereof, shall and will within three moneths next after reasonable request, acquit, discharge, or save harmeless the said R. F. and R. B. and either of them, their and either of their executors, administrators, and assignes, and every one of them: And that neither he the said Sir Philip Fisher, at any time heretofore hath done, nor that he, his executors, administrators, nor any of them at any time willingly nor wittingly shall doe, procure, or cause to be done, any manner of act or thing without the consent of the said Ralph F. and R. B. their executors, administrators, and assignes, that shall or may be any impediment or hinderance, to the execution of the said last Will and Testament of the said K. Q. or whereby the said Ralph F. and R. B. or either of them, their or either of their heirs, executors, or administrators may be in any sort charged or hindered, contrary to the true meaning of the same: And the said R. F. for himselfe, his heires, executors, and administrators, doth covenant and grant to and with the said Sir Philip Fisher, and R. B. & either of them, their and either of their executors, and administrators, and every of them by these presents, that they the said Sir Philip Fisher and R. B. their and either of their executors and assignes shall and may have, retaine, keepe, or dispose their said severall third parts of the said Goods, Chattels, and summes of Money, towards the performance of the said Will and Testament, and the covenants in these presents contained, if in case the said Ralph F. shall survive the said Sir Philip Fisher, and R. B. or either of them. And further also, that if at any time hereafter any more Goods, Chattels, Jewells, Plate, summe or summes of Money shall come unto the hands or possession of the said Ralph F. his executors, administrators, or assignes, or for, or by reason of the executorship, of the last Will and Testament of the said Katherine Q. that then (ut prius) and so to the like covenants verbatim, on the part of the other, Mutatis mutandis. In witnesse whereof the said Sir Philip Fisher, and R. F. to one part of this Indenture Tripartite, remaining in the custody of the said Sir Philip Fisher, and the said Ralph F. and R. B. to one other part of this Indenture remaining in the custody of Sir Philip Fisher, and the said Sir Philip, and R. B. to one other part hereof, remaining in the custody of the said R. F. interchangeably have set their hands and seales the day and year first above written.

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A Leaſe of a Manor to be onely ſubſcribed and ſealed by the Leſſor with intent that the ſame ſhall be delivered upon the premiſſes by his Atturney.

A Letter of Atturney to deliver the ſame accordingly.

A Letter of Atturney by the Lord, to receive the ſame.

THis Indenture made &c. Betweene I. S. &c. of the one part, and R. D. &c. and C. R. &c. of the other part, Witneſſeth &c. hath demiſed, granted, bargained, and ſold, and doth by &c. unto the ſaid R. D. &c. his executors, adminiſtrators, and aſſignes all that the Manor of &c. and all and ſingular Meſuages, Houſes, Edifices, buildings, Lands, Tenements, Meadowes, Leaſowes, Paſtures, Feedings, Rents, Reverſions, Services, and Hereditaments whatſoever, to the foreſaid Manor belonging &c. or accepted, reputed, or taken as parcell or member thereof, and all the part and parts of him the ſaid I. S. of and in the ſame, and the Reverſion and Reverſions, Rents and profits whatſoever of all and every the ſaid Manor and Premiſſes. To have and to hold the ſaid Manor and all and ſingular &c. And the Reverſion & Reverſions, Rents, and Profits of the ſame, to the ſaid R. D. &c. their executors &c. from the feaſt &c. yeelding &c. unto the ſaid I. S. his heires or aſſignes, the yearly rent, or ſum, or value of &c. And the ſaid I. S. for him, his heirs, executors, and adminiſtrators, doth covenant &c. R. D. &c. their executors, adminiſtrators and aſſignes by &c. That he the ſaid I. S. hath not done or willingly ſuffered, nor he or his heires will doe, nor willingly ſuffer any act or thing whatſoever, whereby, or by meanes whereof, they the ſaid, R. D. &c. and their executors ſhall not, or may not quietly and peaceably have, hold, occupy, poſſeſſe, and enjoy the ſaid Manor &c. for and during &c. And that it ſhal & may be lawful to and for the ſaid R. D. &c. and their executors, for and during &c. hereby mentioned to be granted, peaceably &c. to have &c. the ſaid Manor and premiſſes in and by &c. without any let, trouble, denial, diſturbance, or interruption of &c. and that freed from all incumbrances committed or done, or to be committed &c. by him the ſaid I. S. his heires or aſſignes, or any other perſon &c. lawfully claiming &c. or by or under his or their meanes, aſſent, conſent, title, intereſt or procurement. In Witneſſe whereof &c. Sect. 680.

This to be indorſed.

Memorandum that upon the day &c. I. B. by vertue of a Letter of Atturney

turney to him given, by the within named, which was shewed unto us entred into parcell of the within mentioned Manor of &c. in the name of the whole premisses in this Indenture mentioned and there delivered, this Indenture as the deed of the said I.S. to T.C. and I.S. Attorney for the within named R.D. &c. to receive the same, in the presence of &c.

A Letter of Attorney upon the same Lease.

Sect. 681. TO all people &c, I.S. of &c. sendeth greeting, Whereas the said I.S. hath caused a writing to be drawne in forme of an Indenture, betweene him the said I.S. of &c. of the one part, and R.D. &c. of the other part, bearing date with these presents, purporting in effect and substance, a demise to be made by him the said I.S. to the said R.D. &c. of all that the manor of &c. and of divers other lands, tenements, and hereditaments therein mentioned from the feast &c. And the said writing so drawn he the said I.S. hath caused to be ingrossed in parchment indented, And the one part of the said Indenture hath subscribed and sealed in the presence of divers witnesses, as in and by the same more plainly may appeare: which he hath so done, to the intent the same might be delivered, and lawfully executed upon the premisses therein mentioned, or some part thereof, by his Attorney hereafter in and by these presents to that purpose nominated and appointed. Now know ye that the said I.S. for the better execution of his intent aforesaid, hath ordained, constituted, nominated, and appointed, and doe by &c. in his place and stead put I.S. his true and lawfull Attorney, for and in the name of him the said I.S. to enter into the said Manor of &c. herein before mentioned, or any part or parcel thereof, in the name of the whole, and possession thereof respectively, for and in the name and to the use of him the said I.S. to take, and having so taken possession, the foresaid writing or part of parchment indented, subscribed, and sealed by him the said I.S. as aforesaid, to deliver upon the premisses, in the same mentioned or contained, or some part or parcell thereof to the said R.D. &c. their certaine Attorney or Attorneys in that behalfe, or any other to their use, in the name and as the deed of him the said I.S. giving and granting the said Attorney full power and authority in the premisses, respectively to do and execute whatsoever other matter or thing shall be necessary or expedient touching the same, as fully as the said I.S. might doe if he were there present. In witnesse &c.

A Letter of Attorney by the Leſſees to take poſſeſſion of the aforeſaid premiſſes in their own name from the foreſaid Attorney.

TO all people &c. Whereas I. S. of &c. hath cauſed a writting to be Sect. 681.
drawn in the form of an Indenture, between him the ſaid I. S. &c. bearing date &c. purporting &c. a demiſe &c. by him the ſaid I. S. to the ſaid R. D. &c. of all that manor &c. and of divers other lands, tenements and hereditaments therein mentioned, from the feaſt &c. And the ſaid writting ſo drawn, he the ſaid I. S. hath cauſed &c. and the one part of &c. hath ſubſcribed &c. in the preſence &c. as in and by &c. which he hath ſo done, to the intent the ſame might be delivered and lawfully executed, as his deed upon the premiſſes in the ſame mentioned, or ſome part thereof, by his Attorney to that purpoſe authorized, nominated, and appointed, as by the ſaid Letter of Attorney, bearing date &c. Now know ye that the ſaid R. D. &c. have ordained, conſtituted, nominated, authorized and appointed, and doe by &c. ordain &c. and in their place and ſtead put I. C. and I. S. of &c. and each and either of them jointly, ſeverally, and reſpectively, their true and lawful Attorney and Attornies, for them, and in their names and ſtead, to go unto the ſaid Manor of &c. and of the ſaid writting or part of parchment indented, and of the premiſſes therein reſpectively mentioned and contained, and in their names and ſtead, and to their uſe, to take Livery and poſſeſſion, of and from the ſaid I. S. or his certain Attorney, authorized and appointed, or to be authorized and appointed, according to the tenure, purport and effect of the ſaid writting, reſpectively giving and granting to their ſaid Attornies, and to each or either of them, full power and authority, for them, and in their names, and to their uſes to do, and accompliſh whatſoever other matter or thing ſhall be neceſſary or expedient for or concerning the taking or delivery of the ſaid writting indented, and the poſſeſſion of the premiſſes therein reſpectively contained, in the names and to the uſes of them the ſaid R. D. and E. R. as fully as they themſelves might do if they were there perſonally preſent, and whatſoever their ſaid Attornies or each or either of them ſhall lawfully do, or cauſe to be done, in or concerning the premiſſes, they will allow, ratifie, and confirm. In witneſſe &c.

FINIS.

Soldan ſ. Table at end of 2d book belongs to the end of the 1st book